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## CALENDARS.

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### Instructions to Editors.

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The Master of the Rolls desires to call the attention of the Editors of Calendars to the following considerations, with a view to secure uniformity of plan in the important works on which they are engaged :—

He is anxious to extend, as far as is consistent with proper economy and despatch, the utility of the Calendars of State Papers now publishing under his control : 1st. As the most efficient means of making the national archives accessible to all who are interested in historical inquiries ; 2nd. As the best justification of the liberality and munificence of the Government in throwing open these papers to the public, and providing proper catalogues of their contents at the national expense.

The greater number of the readers who will consult and value these works can have little or no opportunity of visiting the Public Record Office, in which these papers are deposited. The means for consulting the originals must necessarily be limited when readers live at a distance from the metropolis ; still more if they are residents of Scotland, Ireland, distant colonies, or foreign states. Even when such an opportunity does exist, the difficulty of mastering the original hands in which these papers are written will deter many readers from consulting them. Above all, their great variety and number must present formidable obstacles to literary inquirers, however able, sanguine, and energetic, when the information contained in them is not made accessible by satisfactory Calendars.

The Master of the Rolls considers that, without superseding the necessity of consulting the originals, every Editor ought to frame his Calendar in such a manner that it shall present, in as condensed a form as possible, a correct index of the contents of the papers described in it. He considers that the entries should be so minute as to enable the reader to discover not only the general contents of the originals, but also what *they do not* contain. If the information be not sufficiently precise, if facts and names be omitted or concealed under a vague and general description, the reader will be often misled, he will assume that where the abstracts are silent as to information to be found in the documents, such information does not exist ; or he will have to examine every original in detail, and thus one great purpose will have been lost for which these Calendars have been compiled.

As the documents are various, the Master of the Rolls considers that they will demand a corresponding mode of treatment. The following rules are to be observed :—

1st. All formal and official documents, such as letters of credence, warrants, grants, and the like, should be described as briefly as possible.

2nd. Letters and documents referring to one subject only should be catalogued as briefly as is consistent with correctness. But when they contain miscellaneous news, such a description should be given as will enable a reader to form an adequate notion of the variety of their contents.

3rd. Wherever a letter or paper is especially difficult to decipher, or the allusions more than ordinarily obscure, it will be advisable for the Editor to adhere, as closely as is consistent with brevity, to the text of the document. He is to do the same when it contains secret or very rare information.

4th. Where the Editor has deciphered letters in cipher, the decipher may be printed at full length. But when a contemporary or authorised decipher exists it will be sufficient to treat the cipher as an ordinary document.

5th. Striking peculiarities of expression, proverbs, manners, &c., are to be noticed.

6th. Original dates are to be given at the close of each entry, that the reader may know the exact evidence by which the marginal dates are determined.

7th. Where letters are endorsed by the receivers and the date of their delivery specified, these endorsements are to be recorded.

8th. The number of written pages of each document is to be specified, as a security for its integrity, and that readers may know what proportion the abstract bears to the original.

9th. The language of every document is to be specified. If, however, the greater part of the collection be in English, it will be sufficient to denote those only which are in a different tongue.

10th. Where documents have been printed, a reference should be given to the publication.

11th. Each series is to be chronological.

12th. The Prefaces of Editors, in explanation of documents in the volume, are not to exceed fifty pages, unless the written permission of the Master of the Rolls to the contrary be obtained.

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\* \* \* Editors employed in foreign archives are to transcribe at full length important and secret papers.

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CALENDAR  
OF  
STATE PAPERS,  
COLONIAL SERIES,  
AMERICA AND WEST INDIES.  
JAN.–DEC. 1. 1702.

PRESERVED IN THE  
PUBLIC RECORD OFFICE.

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CECIL HEADLAM, M.A.

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## CORRIGENDA.

Page 225, twenty lines from bottom, *for* 1902 *read* 1702.

- ,, 289, line 15, *for* Samuel *read* Sampson.
- ,, 382, six lines from bottom, *for* promising *read* procuring.
- ,, 355, last line, *for* Provinces *read* Province.
- ,, 379, line 2, *add* (No.) 368.
- ,, 408, last line, *add, and* 318, 3. (No. 3.).
- ,, 477, fifteen lines from bottom, *add, No.* 768.a. Similar letter (*without enclosures*) to the Earl of Nottingham. (C.O. 5, 751. No. 46.)
- ,, 491, line 2, *for* Robinson *read* Robertson.
- ,, 595, line 19, *add (and* 5, 751. No. 45.).
- ,, 704, line 5, *add, and* 412, 549. p. 3.).
- ,, 722, line 14 from bottom, *for* Newfoundland *read* New England.
- ,, 729, line 17 from bottom, *for* Lords *read* Lord.
- ,, 733, line 26, *add, and* 412, 549. pp. 6-30.

## PREFACE.

**A portentous Comet.** On Feb. 28, 1702, a French naval officer, on board the *Triton* off Porto Rico, described to a friend the appearance of a comet, which had lately been visible at twilight. "There have been great wagers," he writes, "as to the meaning of this Comet. Some will have it foretell a great war; others the death of several great ones" (163).\*

Governor Nicholson also reports that the "tail of a blazing star" had been observed in Virginia (105). A week later William III was dead; little more than two months later the War of the Spanish Succession had broken out, and advice-boats were being dispatched to take the news of the Declaration of War to the Colonies (414, 417, 431*ff.*).

By November an Order in Council was issued for a Public Thanksgiving in the Colonies for the successes of the Queen's arms by land and sea (1114).

**Accession of Queen Anne.** Three days after the death of King William an Order of Council was issued that the Governors of the Plantations should proclaim the accession of Queen Anne "in the most solemn manner," and at the same time publish H.M. Proclamation continuing officers in their places (189, 219). Occasion was to be taken to exhort the Colonists to do what was necessary for their security and defence. The news reached America during May (527, 537, 538), and, in view of the Queen's Declarations and Address to the House of Lords (219.i.-iii.), was everywhere received with satisfaction (845 *etc.*). New commissions were presently issued to the various Governors (573, 714*ff.*).

\* This comet "importing change of times and states," as good comets should, is recorded to have been seen in Southern India, Cape of Good Hope, Louisiana, etc. Pingre, *Histoire des Cometes*.

General  
Defence.

On Jan. 24 the Council of Trade signed an elaborate representation upon the general state of the defence of the Colonies (51, 55*i.*). They recommended the despatch of arms and ammunition, and that the Governors and Proprietors of those Plantations, which had signified their unwillingness to contribute their quotas to New York, should receive further instructions directing them in the most pressing terms to comply with that requirement, as being “a matter of common benefit and security.” It was ordered that letters of this tenor should be sent accordingly (77). In making a return of the stores of war sent to the several Plantations within the last twelve months, the Board pointed out that, in case of war, it would be necessary to furnish magazines of stores in the chief of them (32). They made a further report upon the state of defence in the Plantations in April (348), when the whole question was considered in full Council “at Mr. Secretary Vernon’s office” (384). An Order in Council in August gave directions for letters to be written to the Governors and Proprietors, instructing them once more to make provision for the defence of their Provinces (896). In drawing up their report, the Council of Trade took the opportunity of representing the necessity of providing stores and credit for H.M. ships of war in the Colonies, for want of which ships had often been laid up in harbour, or Governors, like Nicholson, been compelled to engage their private fortunes (635, 1093, *p.* 47).

Benbow and  
Château-  
renault in  
the West  
Indies.

The most important documents contained in the present volume are those letters from the Governors of the West Indies and Admiral Benbow to the Council of Trade, Mr. Secretary Vernon and the Earl of Nottingham, which enable us to trace the movements of the French Fleet in those seas, and which, together with the proceedings of the Court Martial held at Jamaica, throw light upon the action which disgraces the annals of the British Navy and cost Benbow his life.

An immense fleet under the command of Châteaurenault had concentrated at Martinique in January (8, 8.ii., 8.iii., 132, 195.i.). The French Admiral appears to have intended to commence hostilities by making an attack upon Barbados and the Leeward Islands (101, 103, *p.* 110), whilst Coetlogon convoyed home the Spanish Flota assembled at Vera Cruz. But the Spanish merchants were shy of trusting their rich galleons to the protection of the French. On hearing that they had refused to sail with Coetlogon, Châteaurenault abandoned his project, and himself sailed with eighteen men-of-war and nine frigates for Havana or Vera Cruz, intending to divide his fleet and send part of it home, after passing Jamaica and possibly fighting the English there under Benbow (163). With his main force he proposed to pick up the Spanish galleons and to convoy them away through the Gulf of Mexico (325). He left Martinique on Feb. 22 (N.S.), much to the relief of the Barbadians. His ships were badly provisioned, and his men had suffered from disease during their stay there (132, 132.i., 136, 163, 325).

Admiral Benbow, waiting at Jamaica with a force not sufficient to engage the main division of the French, but strong enough to fight a squadron, protect the Plantations, and perhaps to catch the Spanish Flota, suffered in the same way. He was losing more men from sickness, he says in giving an account of the state of his ships, "than if we fought once a month. Scarce one in three of our Europeans live here twelve months" (333, 473, 560). After touching at Leogane (Hispaniola), Châteaurenault proceeded to Havana at the beginning of April, and there remained wooing the Flota at Vera Cruz, till the middle of July, when, having at last overcome the coyness of the Spanish merchants, he sailed for Europe, his overwhelming force of 30 men-of-war convoying eight galleons (323, 325.i., 523, 560, 743, 811, 980, 1136). Benbow had not strength to prevent him. Seeing that the safety of the Plantations depended upon success, he deemed it imprudent to hazard

a battle with Châteaurenault's fleet (473, 560). But he hoped to account for the squadron which the French Admiral had detached to Leogane, and which he thought was staying there, but which, in accordance with the plan explained above, slipped away to France (333, 473, 523). At the end of June he was still uncertain whether war had been proclaimed (560).

Benbow's  
Engagement  
with  
Ducasse.

Nevertheless, on hearing that M. Ducasse, the new French Governor of Leogane, was on his way from France "with four sail of men of war, to settle the Assiento at Cartagena and destroy the trade of the English and Dutch on that coast" (560, 560*i.*), he laid his plans to intercept him, as well as the new Spanish Governor of Cartagena, who was coming from Hispaniola, and some victuallers making for Châteaurenault's force at Havana. With this object he divided his fleet into three squadrons, to cruise off Hispaniola, Cuba and Cartagena (560, 560*i.*, 743). At the beginning of July tidings reached him of the outbreak of the war (743). At the beginning of the following month Benbow, with seven men-of-war, was still hovering off the north coast of Hispaniola, waiting for Ducasse, and meanwhile meeting with some small successes (811) amongst the shipping at Leogane. At length he was informed that Ducasse, with 22 sail, had been sighted off Porto Rico, July 27 (811, 936). But Ducasse, getting wind of Benbow's position, did not make for Leogane. He sent the merchantmen and transports under his convoy to Havana, some ships with the Duke of Albuquerque to Vera Cruz, and himself stood away for the Spanish coast. Benbow hastened to intercept him on his way to port at Cartagena, and fell in with him on Aug. 19 off Rio la Hache (*Rio Hacha*). The reward of his long watch seemed at hand. Ducasse had but four men-of-war, of from 60 to 70 guns, besides two merchantmen, or transports, and four small vessels, against seven English men-of-war with a superiority of 122 guns. But on the side of the Frenchman was the poltroonery of the English captains. A running fight ensued during a week

when light winds prevailed, the Frenchmen endeavouring to get away, and Benbow engaging their ships successively as he came up (936). On the first day, Capt. Kirkby, of the *Defiance*, who was in the van, contented himself with firing three broadsides, “then luffed up out of the line and out of gunshot, leaving the Admiral engaged with two French ships till dark” (1063*i.*). The *Windsor* followed suit. Next day Benbow altered the line of battle, taking the van with the *Bredah*, in hopes to shame the rest into following his example. But all the others hung far astern, whilst Benbow and the *Ruby* plied the enemy with their chase guns till night, and next day, though the *Ruby* was disabled, but for the refusal of Captain Kirkby and Captain Constable of the *Windsor* to fire their broadsides, they must have taken the enemy’s sternmost ships. The next day and the next the Admiral clung to the enemy’s rear, being now supported by the *Falmouth* (Capt. Vincent), whilst Kirkby and the rest hung back, “as if they had a design to sacrifice the Admiral and *Falmouth*, or desert” (*p.* 675). Benbow then sent the *Ruby*, which had behaved very well and was disabled, back to Jamaica with a prize (936, *p.* 676). Early in the morning of the 24th he and the *Falmouth* again engaged the sternmost ship of the enemy. At 3 a.m. the Admiral’s leg was broken by a chain-shot; he was still deserted by all but the *Falmouth*; but nothing daunted, the indomitable sailor “ordered his cradle upon the quarter-deck, and commanded the fight to be vigorously maintained.” By daylight the enemy appeared a wreck; but Kirkby running “away from the poor disabled ship, and the rest following his sad example, though they had but eight men killed on board them all,” the other three French men of war, seeing their cowardice, bore down upon the *Bredah*, Benbow’s ship, gave her a raking fire and rescued their disabled comrade. Benbow having mended his rigging, gave orders to stand abreast of the enemy’s van, and then to attack them. He sent word to all the captains to keep the line of battle and behave themselves like Englishmen. The

six English ships were now alongside the three Frenchmen, and to windward of them ; for the first time, after six days of light winds, there was a stiff breeze blowing ; " a fairer opportunity could never happen to engage " (pp. 578, 579, 676) and capture the forces designed for the Spanish forts and the officers of the Assiento. At this moment, Kirkby, hearing that Benbow was wounded, came on board the *Bredah*, and without stopping to enquire after his Admiral's health, protested against continuing the action, " it not being necessary, safe or convenient." " During the six days' engagement he had never encouraged his men to fight, but by his own example of dodging behind the mizen-mast, and falling down on the deck on the noise of the shot, and denying them the provisions of the ship, the said men were under great discouragement " (p. 677). Benbow summoned the other captains to a consultation on board the *Bredah*. Unfortunately, for one consideration or another, they followed Kirkby's lead, and signed a paper of reasons for putting an end to the fight, drawn up by him. Those reasons were, Benbow says in his reply to them, " all a vision false and cowardize, which I doe averr " (936.i., ii.). He was obliged to return to Jamaica, there to die of his wound and the chagrin of this disgraceful affair (1191). But he lived long enough to see the cowardly and insubordinate captains court-martialled, and to give evidence in favour of those who had behaved courageously (p. 678). Of the rest, Captain Kirkby and Captain Wade were condemned to be shot for " cowardice, breach of orders and neglect of duty," but were respited till H.M. pleasure should be known\* ; Captain Hudson died before the trial, and Captain Constable, cleared of cowardice, was cashiered and imprisoned during H.M. pleasure. The proceedings of the Court Martial, held on board the *Canterbury* by Rear-Admiral Whetstone (who presently

The Court  
Martial at  
Jamaica.

\* They were shot on board the *Bristol*, on arriving in Plymouth Sound, April 6, 1703, that so they might not pollute English soil [S.P. Naval 7, Jan. 7, 1703 and C.O. 318, 3, No. 15]. Benbow's own despatches describing the engagement will be given in the succeeding volume of this Calendar, 1702-3.

succeeded Benbow), are given (1063*i.*). They do not afford any clear indication that there was any other motive for the conduct of Kirkby and the rest but sheer poltroonery. Possibly Kirkby's excuse for not firing on the enemy, "because they did not fire at him, for that they had a respect for him," may have been intended to suggest that Admiral Benbow did not inspire respect, and indicate some feeling of jealousy entertained by smart placemen at being commanded by a hard fighting, rough-tongued sailor-man, like Benbow, the hero of the gun-room and the foc'sle, an old Tarpaulin, who had made a career of the Navy. In any case, we may well believe Benbow's report that "the people in these parts are extremely incensed against them, having never heard or met with anything so base" (1066). It is evident that the sailors and subordinate officers were ready enough to fight. It remains curious, therefore, that Benbow did not place Kirkby under arrest during the action and supersede him on the spot, or threaten to turn his guns on him. Had he done so, so far as one can judge, this discreditable, but happily unique, episode might never have sullied a page in the glorious history of the British Navy.

New York. Lord Cornbury did not arrive at New York, to take up his Government there, until May. The long delay in his coming over gave rise to the rumour that he was not coming at all (373). Nothing could have been more unfortunate. It seems to have been well understood in New York that he would prove a strong supporter of the Anti-Leislerite party, and would reverse the policy of Bellomont. The Leislerites, therefore, in the meantime, having gained control of affairs in the way we have seen in the preceding volume, allowed their partisan favour to go beyond all bounds. On examination of some witnesses, chiefly soldiers of the garrison, it appeared that three Addresses, to the King, the House of Commons, and Lord Cornbury, had been drawn up by "Protestants of the

English Party,"\* complaining of the proceedings of the Leislerites, as tending to render H.M. Government <sup>Violence of the Leislerite Government.</sup> "scandalous, vile and cheap in the eyes of the people" (464, 465, *cf. Calendar*, 1701, No. 1117.ii., iv.). The Lieutenant-Governor, however, and the Leislerite Members of Council state that they were signed by soldiers, seamen, common sojourners, Dutch, Frenchmen and aliens, who in no way represented the English (44, 45). It was said that Col. Bayard and his son, and Alderman Hutchins, the keeper of a public-house, were the prime movers in promoting these Addresses, and that by plying the garrison with strong drink they had obtained their signatures in ignorance of the contents. Hutchins and the Bayards were accordingly summoned before the Council and required to produce the Addresses (Jan. 17, No. 35). The Bayards said that this was not in their power, and were bound over to stand their trial in the Supreme Court. Hutchins, for not producing the Addresses, was committed to custody, for "that he hath to the manifest disturbance of the peace of this Government, used divers indirect practices to procure mutiny and sedition amongst the soldiers," *etc.* (p. 31), "and drawn in them and others to sign scandalous libels, whereby they have endeavoured to render the past and present Administration vile and cheap in the eyes of the people" (p. 33). To justify this procedure, an old Act of 1691, *for settling the recent disorders*, was raked up and quoted. As to the legality of the proceeding, the English Attorney-General remarks that Hutchins was required to produce a libel of which he was the author, and thus to accuse himself (368, 379). On the following day Col. Bayard, Rip Van Dam, Philip French and Thomas Wenham petitioned for his release. The Addresses, they said, were in their custody, not his (*pp.* 32, 229). One of the Addresses, which they still refused to

\* In their addresses (464, 465) they indignantly repudiate the charge of being Jacobites and Papists, and declared that they were "without the least colour of being disaffected to the Revolution." It was members of their party, however, in the Assembly under Bellomont who had moved to omit the word *happy* from the phrase "late happy Revolution." [Calendar, 1699, Preface, p. xxxix.]

produce, they described as directed to Lord Cornbury, "nominated by H.M. to succeed the late Earl of Bellomont as our Governor." This phrase was seized upon and interpreted as an incitement "to the people to disown the present authority," and Nicholas Bayard was accordingly committed for high treason, in spite of the opinion of the Attorney-General that there was nothing criminal or illegal in the Address or their conduct (*p. 33, Nos. 343. iii.-vii.*).

Great pressure was also put upon the other three to induce them to deliver up the Addresses (58, 137, 187, 188); but the opportune arrival of a ship, Jan. 24, with news that Cornbury was indeed coming, moderated the zeal even of Atwood and Weaver (343.v.). A proclamation had been ordered, intended to allay the apprehension of wholesale prosecutions which had been aroused, and so to leave the hands of the Leislerites free to attack the ringleaders (49, 54.i.). It was suppressed (*p. 229*). The zealots concentrated their efforts on the humiliation, if not the destruction, of Bayard and Hutchins. Juries were packed (*pp. 262, 614f., No. 412*); and, since the Attorney-General proved obdurate, a new office, that of Solicitor-General, was created, and Weaver appointed to it (91). There was nothing that could be reasonably interpreted as treason in the Addresses; the Addresses themselves had never yet been seen either by judge or jury; but the Chief Justice, by proceedings "the most unjust ever heard of," as Lord Cornbury says (*p. 614*), procured a verdict of guilty, and sentenced Bayard and Hutchins to suffer the death of traitors (1206f.).

Bayard and  
Hutchins  
condemned  
to death. The day of execution was fixed. To save his neck, Bayard was obliged to sign a petition for a reprieve, in which he confessed his fault. A phrase forced upon him was construed as admitting the guilt of high treason (213, 412, *p. 263*). On April 14th, intimation was received that Lord Cornbury might be expected to arrive shortly. The same day the Lt.-Governor and Council wrote to the Council of Trade, that Hutchins and Bayard, having

confessed their offences, had been reprieved till H.M. pleasure should be known. Hutchins was recommended to mercy (338). Almost simultaneously their case was laid before that Board in London (343), and, upon their recommendation (392), a reprieve was dispatched in hot haste to New York (383). The Council of Trade presently proposed that their case should be heard by the Privy Council (405). Meanwhile, at New York, Livingstone was suspended from the Council. Popular feeling in the city was largely Anti-Leislerite, and manifested itself by cutting down the gallows—presumably a pro-Bayard demonstration (268, 302). But many of the most prominent merchants, in the face of this persecution, fled to the Jerseys or adjoining provinces (408, 410). And the neighbouring Governments, such as Virginia and Maryland, began to take steps to interfere (192).

The Leislerites passed from one extreme to another. On hearing of the arrival of Lord Cornbury in the river, May 1, the Assembly sat night and day without intermission and, in frantic haste, passed seven Acts. They included one for the payment of the damages said to have been suffered by Leisler in the Revolution, one to outlaw French and Wenham, one to gerrymander the constituencies by adding five members to the Assembly in those counties which they expected to carry, another to tie up the revenue and secure incomes for Nanfan and Atwood, and others intended to tie the Governor's hands (412). Six out of the seven Cornbury presently recommended to be repealed, whilst the Council of Trade, as soon as they heard of the first, wrote that it must be disallowed, pointing out that it was contrary to Bellomont's Instructions (752, 1010). They also directed Cornbury to induce the Assembly to repeal the obsolete clause in the Act of 1691, under which Bayard had been condemned (740). The Bishop of London also interposed to procure the repeal of an Act of 1700 as affecting the provision made for ministers.

Leislerite  
Legislation.

Cornbury  
lands at  
New York.

Cornbury had landed at New York on May 3, and immediately dissolved the Assembly (408.i.). His arrival was signalled by the return of the Anti-Leislerite merchants who had fled to the Jerseys (408, 410). His next step was to suspend the five Leislerite Members of Council, whose Reign of Terror was thus brought abruptly to a conclusion (601). His reasons are given (1206.ii., iv., vi.). Weaver, the Collector-General, forfeiting a bond into which Cornbury had obliged him to enter to answer his accounts, fled the Province; so, too, did Atwood and Depeyster. The two former arrived at Plymouth in October under borrowed names, in contempt of the Governor's proclamation for their arrest (1086-1088), and Atwood entered his feeble defence (750).

Anti-Leisler-  
ite Reaction.

As for the Lieut.-Governor Nanfan, he had the mortification of having his Bills returned protested from home, and was himself arrested by Cornbury on the grounds that he was in H.M. debt (1021). Broughton was restored to the office of Attorney-General by Order in Council (741). Cornbury was heartily welcomed by the Anti-Leislerites, who voiced their grievances and sense of relief (999.xi.*ff.*). The Leislerites, they said, had aimed at the extirpation of the English by turning them out of all commissions of the Peace and Militia, and putting in Dutchmen and the meanest and most ignorant of the people, "few of them understanding English, much less the Laws." The sheriffs could most of them neither read nor write. Cornbury was easily convinced of the necessity of substituting sheriffs of more Anti-Leislerite intelligence. In the same way he recommended for the Council the old Fletcherite gang (1016.i.). It is significant that some of the documents he sends home are countersigned by Honan (999.xi.*ff.*), Fletcher's disreputable secretary, whom Cornbury said he had dismissed at the instance of the Council of Trade (*Calendar 1701, Pref.* xxv.). The scale of Justice seems likely to kick the beam on the other side. Significant also of the new order of things is the list of

men transmitted by Nottingham to the Council of Trade without consulting them, as appointed to the Councils of New York and New Jersey. The Board drew attention to the undesirability of proceeding in this way, and made objections to individuals proposed (932).

After proclaiming Queen Anne at New York, June 18, when "the people showed all the cheerfulness and loyalty that could be wished for" (652), Cornbury proceeded to review the defences of the Province. He found the garrison at New York wretchedly clad and armed, the fort rotten and the guns honeycombed. To protect the place from attack by sea he proposed the erection of stone batteries upon Long Island and Staten Island (*p.* 606). Proceeding to the frontier, he found the garrison at Albany no better off, and the fort as Bellomont had described it. Schenectady, a mere open village, "more like a pound than a fort," had hardly any guns or men, and no powder or shot. The Militia of the Province had not been mustered since Col. Fletcher's time. Except for the regiment at Albany, the Militia was "a thing forgot" (*p.* 605). Stone forts at Albany and Schenectady, stone redoubts at Nustugione and Half-Moon, and a stockaded fort at Saractoga would secure the frontiers, and so the whole Continent, if garrisoned by a force of 600 men. Our Indians, too, many of whom were wavering, would be kept loyal by this means, and the settlers on the frontiers would be secured. So far, it will be seen, Cornbury repeats the reports of Bellomont, derived, no doubt, from the same advisers, though he never loses an opportunity of blaming his predecessor (994). His own contribution to the theory of the situation is only remarkable for the wisdom of foolishness:—"The only good way of securing the whole Continent would be to drive the French out of Canada . . . that the thing may be done with ease is certain. 1,500 well-disciplined men from England, and eight fourth-rate frigates, joined with what we can raise in these Provinces, will do that matter effectually." Such was his

optimistic view, upon which he enlarges in detail (1009). His practice was more to the purpose. Col. Romer, whose energies were absorbed by the fortifications at Boston, had done little or nothing towards the fort at Albany. Cornbury made a design of his own, and laid the foundations of a stone fort with the materials that had been slowly accumulated for that purpose. He then called Romer to account, much to the disgust of the Dutch engineer (994).

Cornbury's  
conference  
with the  
Indians.

At Albany he held a conference with the Indians (1009.*ff.*). He announced the accession of Anne, and the Five Nations welcomed a Governor of the Blood Royal (1009.*ii.c.*). Some Canada Indians, who were present at Albany, asked if the Governor of Canada were correct in saying that the Indians were to be neutral in case of war, and some Far Indians from the French fort at Tieughsaghrondie (*Detroit*) enquired if goods were cheaper at Albany than in Canada. Cornbury enquired of the Five Nations as to their relations with the Far Indians, and demanded an account of their late treaty with the French of Canada and their communications with them. He warned them not to trust the French, and to be on their guard, even if they professed to be going to keep their Indians neutral. He promised to provide forts at Albany, Schenectady and out garrisons. In reply, the Five Nations complained that none of the promises made to them last year had been fulfilled ; they went to Canada because goods were cheaper there, and the way easier (1009.*ii.g.*). They and the River Indians promised not to be the first aggressors in case of war, and not to receive priests into their country. The River Indians announced that the Pennicoke Indians had received a message from the Governor of Canada inviting them to go and live in Canada, which they had refused to do. Cornbury, in return, invited them to live at Schachkook. The Five Nations communicated a summons which the Sachims of the Onnondages, Cayuges and Senecas had received from the Governor of Canada to attend him. Cornbury told them not to hearken to

any proposition from the French. They promised to obey. But Cornbury presently learnt from Dekanissore that, during this conference, Sachims from the Onnondages, Cayuges, and probably Senecas, had gone to Canada, and that a Jesuit priest was coming to Onnondage from Canada. Cornbury charged them on their allegiance to send him back to Canada, or to bring him to Albany. But the impression naturally left upon his mind was doubt as to the loyalty of those three tribes.

<sup>Epidemic at New York.</sup> When the new Assembly met, it was not at New York but at Jamaica. For the capital was scourged with an epidemic so violent that at one time 500 deaths occurred in ten weeks (*p. 612*). It abated in the autumn, and the Assembly returned to New York in November (1148). But it left its mark upon the Statute Book in the shape of what were intended as preventive measures, such as the prohibition of the burning of oyster-shells (for lime) near the city.

<sup>The new Assembly.</sup> The new Assembly was strongly Anti-Leislerite. They chose William Nicholl(s) for their Speaker, and, after preparing a congratulatory Address to the Queen, and voting 1,800*l.* for raising men to garrison Albany and Schenectady, in accordance with Cornbury's recommendations for the defence of the Province (1072, 1092), they turned to the pleasant task of retaliation. Abraham Gouverneur, the former Speaker, was declared to be an alien, and the laws passed when he was Speaker therefore null and void (1011, 1134); the trial and condemnation of Bayard and Hutchins were pronounced illegal, and those responsible recommended to be prosecuted; and it was resolved that "the setting up a Court of Equity in this Colony without consent of General Assembly is an innovation without precedent, inconvenient and contrary to the English Law; that the Court of Chancery, as lately erected and managed here, was and is unwarrantable, a great oppression to the subject, of pernicious example and consequence"; and an Act was passed to that effect,

and declaring its decrees null and void (1134, 1199). Commissioners were appointed to examine the Public Accounts (1182). Amongst the Bills recommended to the

Free School  
at New York.

Assembly in Cornbury's speech, was one for "erecting public schools at proper places," and an Act for the encouragement of a Free School at New York was passed (1072, 1166, 1199).

Cornbury drew attention to the increase of the debts of the Province, hinting that Bellomont was responsible, and applied for a grant from the Crown to pay off the deficit and to complete the fortifications (*p.* 613). In compliance with a request from the Council of Trade,

Naval Stores.

he made a report upon the naval stores commissioned by Bellomont (418, 1007*f*). In England, a company, headed by Sir Mathew Dudley, applied for a Charter of Incorporation to work the mines and provide naval stores in New England (813).

Massa-  
chusetts  
Bay.

Before the arrival of Governor Dudley, the Government of the Massachusetts Bay pressed on with the fortification of Castle Island (129), and took other measures for defence (218, 264), including "an experiment of fireworks for sinking ships" (584). When it was reported that some Indians, acting under the commission of the Governor of Accadie, had seized some Salem ketches at Cape Sables, they wrote to M. Brouillan for an explanation (538, 564). He, later on, returned the compliment by demanding the restoration of French vessels taken by Massachusetts privateers since the declaration of the war (972).

Arrival of  
Governor  
Dudley.

Governor Dudley arrived at Marblehead on June 11 (357, 593). The Assembly had been dissolved in April, "the business of husbandry being urgent at this season" (326). The new Assembly met on May 27 (532), and made a loyal Address to the Queen (565). In his Speech, the Governor recommended to them measures of defence, especially the rebuilding of the fort at Pemaquid, and the provision of a settled establishment of the Government. He characteristically impressed upon the Representatives

that, since the Province was not so profitable to the Crown as the Southern tobacco-growing Plantations, "it is therefore justly expected of us that we use all methods to fall into such other articles of trade to supply the Kingdom of England with naval stores and other commodities there wanting, of which this Province is capable, that may remove this objection, and that in the meantime we be as little chargeable to the Crown as may be, especially that we take care that our Trade be kept within the strictest bonds of all Acts of Parliament, and that all false trade and practices be with utmost diligence prevented and suppressed" (608). The Assembly had made but little progress in carrying out these proposals when Dudley, being obliged to leave for New Hampshire and the frontiers, prorogued them (668).

*The War and Privateers.* News of the war reached Boston on June 19 (629, 633).

Steps were at once taken to encourage privateers (728, 780), which met with such success that they had secured fifteen prizes by the middle of October (810, 966, 1046). More difficulty was experienced by Dudley in fulfilling the instructions he received from home to send provisions and some companies of volunteers to Jamaica (966). The idea of denuding the Province for this, the first oversea expedition from Massachusetts, was naturally not popular, especially when information was received that the Governor of Quebec had sent a couple of hundred Indians to attack the Eastern frontiers (1135). Dudley had to contend with the opposition of the Council, who spread the story that the companies would be broken up on arrival at Jamaica and distributed amongst the regular regiments there, "and put on board Admiral Benboe" (1131, 1135). He therefore urged that it was most important that they should be kindly treated.

*Dudley's Conference with the Eastern Indians.*

Dudley, proceeding to the frontiers on a tour with a Committee of the General Assembly to view the ruined fort of Pemaquid (810), met the Sachims of the Eastern Indians on his return at the end of July.

Conference  
with the  
Eastern  
Indians,  
1701.

Details of the negotiations carried on with the Eastern Indians in June, 1701 (*see Calendar, 1701, No. 500, etc.*) are now given (184*ff.*). They had then refused to send their children to be educated by the English, or to abandon the religion they had learnt from the Jesuits, but they promised to remain neutral in case of war, and to give up the French flag they were flying. To commemorate the treaty, two pillars of stone were erected at Andrew's Point, "now mutually agreed forever hereafter to be called the Two Brothers' Point" (184*i.*).

Dudley's  
Conference  
with the  
Indians.

Dudley expressed his approval of these Treaty Stones. He renewed the bond of friendship, and urged the Eastern Indians, now that war was declared between France and England, not to cross the Saco River, but to keep away from the English settlements, for fear they should be mistaken for Canada Indians. They complained that the price of beaver had fallen by one half. The Governor explained that it was out of fashion in Europe. "Nothing," he concluded, "but the French priests among them will put them out of a temper towards us" (803, 810, 810*ii.*, 966). He received the thanks of the Assembly for his services in this connection, "the peace hitherto with the Indians, which was more than they expected, depended wholly upon my personal knowledge of them and travail to Pemaquid to meet them." But thanks were all he obtained; the Assembly showed no inclination to settle the Governor's salary, and Dudley applied for an order to be supported out of the revenue.

Pemaquid.

The Committee, which had visited Pemaquid, recommended that the Assembly should vote a sum of money to rebuild the walls of that fort, and that her Majesty should be petitioned to garrison it. Dudley made a representation to this effect, pointing out that the cost of maintaining a garrison was beyond the means of the Province, since no craftsman was paid less than 5*s.* a day, and that the need of one was great, in view of the garrison at Port Royal (780, 810, 1135, 1135*ii.*). About the same

time an Order in Council was issued directing him to press for the building of this and other forts and batteries, for which, when completed, H.M. would send guns and stores (896).

Pressing of  
Seamen.

During the Governor's absence a serious incident occurred at Boston, arising out of the arbitrary impressing of some seamen by the captain of H.M.S. *Swift*. Contrary to his promise, he endeavoured to slip past the fort on Castle Island (768.xi.). His ship was fired on and brought to, and, in spite of his violent behaviour, he was placed under arrest by the Lieutenant-Governor, Captain Povey (331, 768.xii., xviii.).

Fast Days  
and Days of  
Thanks-  
giving.

The meeting of the Assembly in October took place at Cambridge instead of at Boston, owing to the sickness which had spread hither from New York. A General Fast was appointed, to implore success for the Queen, the preservation of her Provinces, and relief from the epidemic (160, 1018). A Day of Thanksgiving acknowledged the success of the English arms, as well as the "present Administration of this Government" (1180).

Paper Issue. A paper issue of "Bills of Credit," foreshadowed in 1701 (*Calendar*, 1701, p. xxxix.), is described (1198).

New  
Hampshire.

Dudley published his Commission as Governor of New Hampshire on July 13th, at Portsmouth (749). The Queen had already been proclaimed with "the greatest demonstration of joy and satisfaction imaginable" (566). In a short session, the Assembly passed Acts for revenue and for defence, which Dudley appreciated as all that could be desired from "this little, poor Province" (769, 780). Thanks to the Lieutenant-Governor, Partridge, he says, they had increased the revenue "at three times more than my Lord Bellomont had it," besides putting a new duty upon boards and timber (810). He finds, in fact, no cause for complaint in this Province. Whilst Usher, on the other hand, was still on the war-path at home, petitioning that Dudley might have directions to enquire into the former disorders of the Province (598),

and Sheafe, the Collector, was reporting that the generality of the inhabitants declared their opinion that "the strict execution of the Acts of Trade is the ruin of these Plantations" (127), the New Hampshire Assembly were voting an Address to the Queen and appointing Major Vaughan to be the mouthpiece of their defence in England (539). In their memorial, they denied that there was any waste of timber going on, as had been so confidently alleged; but the dimensions of the trees reserved for masts for the Navy were too small, and they begged for an extension of the limit set (780.ii.). They had done all that was within their power for the defence of their country by maintaining the fort on Great Island in the Piscataqua River (*cf.* 896); as to the quota, their need as a frontier Province was greater than that of New York (544). They had been reduced to extreme poverty by the Indian wars and Allen's claims (544). Against those claims they again enter a petition (546). "If that case were determined," says Sheafe (1), "this place would soon flourish."

Thanks-  
giving Day.

A day of Thanksgiving for the successes of the English arms by land and sea, a good harvest, the Gospel, and Dudley's administration, was appointed in October (1102, 1104).

Rhode  
Island.

Dudley, with a part of the Council of the Massachusetts Bay and a troop of horse, visited Newport in September, and published his Commission (*Calendar*, 1701), which gave him command of the forces and fortifications of this Colony, as well as jurisdiction of the Vice-Admiralty, in time of war. At this, he says, "the Quakers raged indecently, saying that they were ensnared and injured" (*p.* 598). In fact, the Governor, Cranston, and Council protested that the power of Militia was granted to the Governor and Company by their Charter, and refused to recognise his authority until they had consulted the Assembly, which was due to meet in October. Dudley said that he had nothing to do with the Assembly in that affair, and desired to review

the Militia. They refused. He then ordered the Town Major to appear with his regiment in arms next morning, intending to administer the oaths to the officers. He refused, on the grounds that by his Commission he was to receive orders from the Assembly or Governor and Council (935). The Assembly approved of this action, resolving to retain the power of Militia and jurisdiction of the Admiralty until H.M. pleasure should be ascertained through an Address (966.ii., 970, 1073). Dudley then left for the Narraganset Country, and reviewed the Militia at Rochester, a town "to which I had the honour to give that name 16 years since," now grown to 120 men. He met with no hindrance here, but after his departure, the Governor and Council of Rhode Island "came near to Rochester, sent for the officers, and were greatly displeased with their attendance and submission." Dudley describes the Government of Rhode Island as a scandal, in which the Quakers exercised a tyranny, and the majority desired to be brought under H.M. Government (966). When the Council of Trade received Dudley's report of these events, they made a Representation to the Queen, that "this Colony, being of importance to the trade and navigation of England, ought to be secured by the best ways and means against the attempt of an enemy, to which they lie exposed." This could only be done "by the Legislative powers of this Kingdom," presumably through the Bill for resuming the Proprietary Colonies to the Crown. But in the meantime, in accordance with the opinion of the Law Officers of the Crown given in 1694, that in the event of Proprietors neglecting to protect their Governments in time of war, the Crown might appoint a Governor "as well for the Civil as Military part of Government," they recommended that her Majesty should appoint Governor Dudley to execute such a Commission there during the war (1184).

to refuse to contribute their quotas to the plan of concerted defence, Col. Quary, in a curious passage, notes a remarkable change in the temper of the people, and attributes their alteration from extreme loyalty to discontent and murmuring against the Queen's Government, to the evil communications of the neighbouring Proprietary Governments, the inhabitants of which, paying less in taxes and enjoying greater licence in illegal trade, grew rich unpunished, and jeered at their neighbours as slaves. The remedy for this sad state of things was to resume the Proprieties to the Crown and unify the administration (*p. 176*). "Such independent Governments," the Council of Trade repeated, "are inconsistent with the welfare of this Kingdom"; the Proprietors had not complied with the requirements of the King; their Provinces, left defenceless, were the retreat of pirates and illegal traders, and the refuge of deserters; it was time to re-assume their Charters to the Crown (*pp. 47, 48*).

Woollen  
Manu-  
factures in  
the Colonies.

Another grievance against the Northern Colonies in general, but especially against the Proprietary and Charter Governments, is put forward by the Council of Trade in their report upon the woollen manufactory (1103). English workmen had been enticed to America, "and in this manner those Proprieties do not only cloath themselves with woollen goods, but furnish the same commodity to the more Southern Plantations, notwithstanding the late Act, and, instead of confining themselves to the production of such commodities as are agreeable to the true design and intention of their settlements, they have improved their skill to such a degree that . . . as good druggets are made in those countries as any in England," and much cheaper.

Bill for  
resuming the  
Proprietary  
Colonies to  
the Crown.

The Bill for reuniting the Proprietary Colonies to the Crown, which had been laid before the House of Lords in the previous year (*Calendar, 1701, Pref. xxxvi. ff.*), was introduced again, but "did not pass for want of time" (141, *p. 701*). Penn, who had returned hurriedly from Pennsylvania on

purpose to oppose it, submitted some proposals for such a Bill to the Earl of Manchester (121*i.*). The Council of Trade pointed out that it would not serve the ends proposed. They adhered to the Bill offered to the House of Lords last session (128, 135), the terms of which are given (317). They are such as the foregoing documents have prepared us for. Though the Bill did not pass, the whole case of the irregularities in the government of the Proprieties was ordered to be laid before a Committee of the House of Lords in the autumn (1185). The surrender of the <sup>The Surrender of</sup> Government of East and West New Jersey, which was approved and signed in April (71, 340, 347), would no doubt be regarded as a leading case in this attempt to secure uniformity of administration.

The Proprietors of the Jersies had first been brought to agree to draughts of Instructions for a Governor to be appointed by the Crown, but they could not agree in recommending any particular person for that office. The Council of Trade therefore proposed the appointment of "some person wholly unconcerned in the factions of that country" (7).

No sooner had they made the surrender, however, than one party of the Proprietors prayed to be allowed to name Andrew Hamilton as first Governor of the new Province of "New Jersey, or Nova Caesaria" (438*i.*); the other party entered their objections, pointing out that they could not reasonably hope for redress for the injuries they had received under his Government, if Hamilton were nominated. His appointment would be fatal to the good settlement of the country, which was the chief motive of their surrender (483*i.*, 484*i.*, 533). The project was debated with much heat by the opposing parties before the Council of Trade (567, 568), who, finding them unreconcilable, and recalling that Hamilton was a Governor who had not received H.M. approbation, but was suspected of having favoured illegal trade, not unwisely again recommended, as the only method of appeasing the animosities of the factions in that Province, that a

Governor wholly unconcerned in the disorders of New Jersey should be chosen (609, 664). An Order of Council resulted, disapproving of the appointment of Hamilton as Lieutenant-Governor either of Pennsylvania or New Jersey (693).

Cornbury appointed Governor.

Instead, Cornbury was appointed (783). His Commission and Instructions, agreed upon beforehand, as we have seen, by the Proprietors, determined the new Constitution of the Colony (860, 887*i.*). Most of these Instructions are identical with those given to other Governors,\* but some were added to suit the peculiar situation.

The franchise was defined ; the Assembly was to sit at Perth Amboy and Burlington alternately. The Governor was to avoid "engaging himself in the parties" ; to pass a law confirming the rights and quit-rents of the Proprietors ; to report upon the fitness of the Patentees' deputies ; to press for the contribution of the required quota for the defence of the Colonies ; and to endeavour to settle the revenue and establishment of the Government. The customs and duties were to be equal to those of New York, and appeals to the Crown granted in cases where the value involved was over 200*l.*, if the appeal were made within 14 days and good security were given. Ships were only to be allowed to sail in fleets, or under convoy. An Act was to be passed "to the like effect as the Act of 7 and 8 William III, for the affirmation of Quakers" (*p.* 552). Quakers were to be allowed to hold office upon signing the Declaration of Allegiance, "together with a solemn declaration for the true discharge of their respective trusts."

Colonel Morris.

The Council was constituted as had been agreed upon with the Proprietors (932, *etc.*). Before the appointment of Lord Cornbury, Lewis Morris went to New Jersey with a sort of commission to report upon the state of affairs there, and a letter of recommendation to the inhabitants

\* Doyle, in his analysis of them, *Middle Colonies*, pp. 449*ff.*, gives a false impression by treating them all as peculiar to New Jersey.

“to support him in his endeavours to preserve peace and quietness” (561*i.*, 562*i.*, 563). As the result of his investigations, he describes the Province as, largely, the asylum of rogues “that cannot be safe anywhere else,” a country without law and without Gospel.

Penn and  
Penn-  
sylvania.

Throughout the year Penn was, in some sort, on his trial for the retention of his Proprietorship. The Council of Trade, eager to carry the measure for the resumption of the charters of the Proprietary Colonies, brought the Proprietor of Pennsylvania to bay. He was confronted with the many charges that had been made against his Government, of irregularity in the administration of Justice, of neglect to provide for defence, of encouragement of piracy and illegal trade, of intolerant legislation, of proceeding beyond his grant in the case of the Delaware Counties, of reckless or greedy bargaining with the Indians.

The proceedings resolved themselves mainly into a pro-

Contest with  
Col. Quary.

longed duel between Col. Quary and the Proprietor. It needed a continued effort on the part of the Council of Trade to extract from the Quaker answers to their questions, a statement of his title to the Three Lower Counties, and to compel his attendance at their Board to reply to Quary. He seems to have resented the interference, and, as he held, the bias of the Board (833). He endeavoured to deal solely with the Privy Council (665, 892); and resorted to every method of procrastination, including the prosecution, if not persecution, of Quary (334, 339). Quary was sup-

Gabriel  
Thomas.

ported by Edward Randolph (605) and Gabriel Thomas. The latter was the author of a history of Pennsylvania, to which, he says, Penn had acknowledged that the Province was much indebted (823*f.*). Penn treats him with a magnificent contempt, thinking it a pity to waste time on so “beggarly and base a man” (923, 949, 1183). The development of the duel with Col. Quary may be traced in Nos. 290, 299, 316, 342, 356, 357, 385, 462, 463, 498, 508, 511, 531, 563, 568, 580, 599, 611, 612*i.*, 638, 648, 665, 833, *etc.*

Penn's  
Defence.

Quary's charges (342*i.*, 356) and Penn's replies (391, 396) being given in detail, it is not necessary to recount them here. In answer to the charges arising out of the cases of illegal trading, which Quary declared to be carried on "rather worse than ever" (281, 580, 599, *p.* 174), Penn demanded in general "a free and impartial enquiry upon the spot" (*pp.* 277, 282). The vagueness of the Act 7 and 8 William III was largely responsible for the trouble in connection with the Admiralty Courts. He suggested that the question of the limits of the jurisdiction of the Common Law Courts and the Admiralty Courts should be referred to the Law Officers of the Crown (580, 585*i.*). Their replies bear witness that the Act was indeed "confused and dark," and acquit him of encroaching upon the Admiralty jurisdiction by his commission to "water-bailiffs" at Philadelphia (596, 596*ii.*, 647, 708, 751*i.* 778, 889).

Admiralty  
jurisdiction.The Indians  
and Defence.

He was accused of having made a bargain with the Pocomoke and Susquehanna Indians, "known to be villains," to settle in his country, where there was neither Militia nor arms, with the object of procuring a monopoly of their trade to himself, at the risk of the settlers' lives (*No.* 395*ii.*, *p.* 175, and *Calendar*, 1701, *Pref.* xxxix.). His answer was characteristic. "The Indians are our friends, because we have not only been just but very kind to them." As to the lack of means of defence, there was no enemy to annoy Pennsylvania. The Indians were friendly, the French could only reach him through the other English Colonies. They, in fact, and the Queen's Navy could do the fighting for him (*pp.* 277, 282).

A Memorial by the minister and vestry of Christ Church, Philadelphia, charged the Quaker administration with several grave miscarriages of justice, including one case where a jury decided upon their verdict by "hustle-cap" (271, 272).

The  
Delaware  
Counties.

The Council of Trade again and again pressed Penn to state his title to the soil and Government of the "Three Lower Counties," and were at last obliged to apply to the

Earl of Nottingham for his assistance in extracting an answer to this and other questions put by them (649, 862, 1142). The answer, when at last it came, was not deemed wholly satisfactory (1207, 1208).

Memorials had been received showing how the Representatives of the Delaware Counties had appealed to Penn for some system of defence, but in vain (270, 275), and raised the question of his right of Government. They complained that they had been answered with threats, and that Penn had failed to send home for H.M. approbation some of the most important of the laws passed at Newcastle (277). They protested against being subject to the arbitrary government of the Quakers, when there were very few Quakers in their part of the country, and begged to be taken under the immediate government of the Crown (305). Col. Quary, on returning to America, in spite of Penn's endeavours to prevent him, was appointed a kind of supernumerary member of the Councils of Maryland, Virginia and New York, with a view to aiding him in his peripatetic mission of reporting to the Council of Trade upon the condition of the various Plantations, and was also provided with Royal Letters of protection against the resentment of Governors or Proprietors with whom he might come in conflict, and "the malice of Penn" (589, 658, 658.i.). He was entrusted, too, with a letter of greeting and encouragement from the Council of Trade to the Representatives of the Three Lower Counties (657).

Penn's Charter to Philadelphia. But before he left England, he was able to forward some complaints which he had received from Pennsylvania as to the ample Charter granted by Penn to Philadelphia when on the eve of returning to England to fight the Resumption Bill (782, 782.ii.). He had granted it, says Quary, in order to hamper the succeeding Government, since he did not expect to retain his Government. Had he expected to do so, "he would sooner have parted with one of his limbs." For fifteen years the inhabitants had been endeavouring to persuade him to give them such a

charter in vain. "He pretends he grants this Charter at the request of the General Assembly, whereas the greater part withdrew and refused it as holding many clauses in it to be destructive of Government, as tending to the establishment of Deism by a law, and making room for Papists to be in all offices in the Government" (*p.* 485).

The Approval of Lieutenant-Governor Hamilton.

Penn's appointment of Andrew Hamilton to be his Deputy-Governor without applying for the Queen's approbation was another irregularity which the Council of Trade insisted upon his rectifying. The Government of Virginia, in the meantime, had refused to recognise Hamilton until he had obtained the Queen's approval (192). Penn maintained that as Proprietor he was Governor, and therefore not within the Act. So much the Attorney-General granted (585, 708), but held that his Lieutenant-Governor was. At length he applied for the Royal approbation (637*i.*), and again, later, petitioned for at least a temporary approbation of him, "and that the imputation he lies under, which hath made it so difficult hitherto, may be referred to the examination and report of the Lord Cornbury" (1019). The approbation was given for one year only, and only on condition that Penn gave a direct answer in writing to the questions so long submitted to him; that he agreed, in writing, that this concession should not be interpreted to the prejudice of the claim of the Crown to the Delaware Counties, and that security were provided for the good behaviour of Hamilton (1115, 1141, 1142, 1207, 1208).

The Act for preventing clandestine marriages, objected to by the Bishop of London as obnoxious to the Church of England (*Calendar*, 1701, *Pref.* xxxviii.) was the subject of some discussion before the Council of Trade (577, 580).

Piracy.

The decrease in piracy, noted since the proceedings against Kidd, *etc.*, was maintained. Mr. Larkin (344) reports the coast clear of them. It appeared that Churchill and How, two of Kidd's crew, who were reported to have escaped from Newgate and to have been "much caressed"

in Pennsylvania, had in fact been included in the King's general pardon (250, *etc.*, *cf. Calendar*, 1701). Churchill, however, who turned up in Barbados, having nothing to show to prove the King's pardon, was arrested and sent home (424, 458, 504).

Virginia. Loyal addresses, plentifully signed, expressed the indignation of Virginia at the French King's acknowledgment of the Pretender (119, 237*i.*). Besides indicating the feelings of the Dominion, these and other Addresses are a mine of names which should be of interest to Virginians. A Day of Fasting and Humiliation was appointed in view of the consequent war, news of which, however, did not reach Virginia till Aug. 14 (846, 847). When the Assembly met in May, Governor Nicholson drew their attention to the fact that not one-fourth of the 10,000

Measures of Defence. odd Militia was armed. But the burgesses, in view of recent importations of arms, did not deem it necessary to take any step (517, *p.* 342). Again, in June, the Governor pressed them to take some measures for the defence of the Dominion, recommending amongst other things the necessity of establishing good communications with the Northern Governments, and a post to Philadelphia (501, 502), but they contented themselves with expressing the country's loyalty in an Address to Queen Anne (552, 645, *cf.* 793, xxix. *f.*). In August, when the news of the declaration of war was known, they still replied in answer to Nicholson's exhortations, that they were satisfied with the provisions made, and repeated that the best means to

Demand for Naval Protection. protect the country was a naval force (856, 893). This view was also urged by Col. Quary, whose report upon the condition and defence of Virginia is mainly an echo of Nicholson's despatches (209, 210). The Council of Trade supported this suggestion, and the proposal that a squadron should be appointed to cruize off that coast each summer (*p.* 242). They also represented that a large quantity of arms was needed, "which particulars the country ought to provide at their own charge," but "in consideration

A Grant of Stores and Arms.

of the present conjuncture" they recommended that the arms needed should be sent to the Governor, who was to distribute them only if the Assembly chose to pay for them. But in recognition of the "eminent and extraordinary service" rendered in the capture of the pirate ship in 1700 (*see Calendar, 1700, p. xi., etc.*), they recommend that the cost incurred in that undertaking, which the Assembly regarded as a grievance, should be deducted out of the charge for the arms (252*i.*). A large supply of stores was ordered to be sent in August, and payment to be made out of the quit-rents (817). The Council of Trade at the same time drew attention to the undesirable method adopted by the Assembly of Virginia in appointing an agent of their own to present their Address, of 1701, to the Queen, concerning the quota, instead of doing so through their Governor. Their reasons for excusing themselves from contributing the quota were held insufficient (497), and a letter was sent from the Queen, urging the Council and Assembly to voluntary compliance (579*i.*).

*Squabble between the Council and the Assembly.* A sharp squabble took place between the Council and Assembly concerning a present of 10,000*lb.* of tobacco, which the latter had voted to their Speaker. The Assembly insisted on their right to reward him. The Governor upheld their contention against the Council. But the Council was obstinate. Finally, at the Speaker's instance, the Assembly withdrew their gift, but without prejudice to their privilege (921).

*The French Refugees.* More French refugees arrived and settled at Manakin Town (528), and a cargo of goods sent by the English Church was disposed of for their use. Magistrates were appointed to deal with the differences that arose amongst them (192). Exception was taken to their calling themselves "the French Colony," as though they were under a distinct Government. They were directed to use the English tongue in their petitions to the Governor, and conformity with the liturgy of the Church of England was insisted on (*p. 472, No. 855*). The settling of

Pamunkey Neck and Blackwater Swamp was proceeded The Capitol. with (895). We are given some details as to the construction of the Capitol. It was now nearing completion, and, though it was not possible to hold the October Court there, steps were taken for removing the records of the Dominion within its precincts (793, 882, 922, 1100). Owing to the Admiralty Credit. lack of a system of credit for the Admiralty, some difficulty arose when the captain of the man-of-war attending the Dominion wished to victual his ship. Previous bills had not been met by the Victualling Office. The Governor again advanced the money out of his own pocket, under protest (635, 1093).

Export of Tobacco.

Nicholson reported a fine season and good crops of tobacco in February (151), and a pretty good crop was promised in July, in spite of "great and unusual rains" (793). What this meant may be judged from the return given (97), which shows that the average export was about 10,000 tons of tobacco. That of Maryland was about

Maryland.

Much anxious consideration was given, both in Virginia and Maryland, to the questions of laying embargoes and providing the homeward-bound merchantmen with Convoys. convoys, in order to secure them against the depredations of the French Fleet and privateers (380). At length, in July, a combined fleet of 150 sail left the Capes, carrying the crops of the two Colonies, which represented the value of nearly 400,000*l.* sterling in dues to the Crown (793).

Loyal Addresses from Maryland greeted the announcement of the French King's recognition of the Pretender, and of Anne's accession to the throne (246.iii., 666, 667). It was not till October that the official intimation of the Declaration of War reached Maryland (1029).

Law for the  
Establish-  
ment of  
Religion.

When the Assembly met in March (203), Governor Blakiston laid before the Delegates the Law for the establishment of Religious Worship, which had been amended in England the previous year, in accordance with the suggestion of the Assembly to the King. It was passed in this form (203, 221). The Quakers in England

again entered their protest against it (874). Blakiston The Quota. also submitted to the Assembly H.M. letter [*Calendar*, 1701, No. 23] concerning the quota to be contributed to the general defence (203). They voted 300*l.* for the building of the New York forts (out of the 650*l.* required from them), declaring that this was all they had or could get (242). Like the Virginians (*Calendar*, 1701, p. xliii.), they complained that their neighbours of New York had not used them fairly in representing the state of affairs, and prayed his Majesty to exempt them from any further contribution of this kind, so that they might devote themselves to the defence of their own Province and the manufacture of tobacco (242). Their own state of defence, they said, was very good (203). But with reference to funds for defence, it was asserted by some delegates that the 14*d.* per tun duty, "being of great emolument," paid to Lord Baltimore, was intended and given as Fort duties, for purposes of defence, but had, by some sinister means, been converted into *Port* duties, and so misapplied (203).

Retirement  
of Governor  
Blakiston. In March Blakiston announced that the state of his health compelled him to retire. He received the thanks of the Delegates for his "discreet management of affairs," and was asked to act as agent for Maryland in England (221, 222, 242). He left the country with "the Church well established and the people happy in peace and friend-  
Horse-racing  
prohibited on  
Saturdays. ship" (672). An Act was passed to prevent the encouragement of vice caused by horse-racing on Saturdays (221, 222, 242, 243).

Colonial  
Currency. No further steps were taken this year in dealing with the urgent case of the Colonial currency. But, whilst Massachusetts resorted, as we have seen, to a paper issue, Maryland suffered from so great a scarcity of coin, that "the best in the Province are sometimes put to a strait to procure money for their travelling pocket expenses" (p. 163, cf. 1207). Capt. Bennett (388) gives a comparative list of prices current in the Plantations.

Carolina. The records of Carolina continue to be provokingly scanty. John Granville succeeded the Earl of Bath as fifth Palatinate (24). The Proprietors, in spite of an Address from the Representatives (136) imploring a grant of arms and ammunition, as usual did nothing, except appoint Sir Nathaniel Johnson Governor. The Council of Trade saw to it that good security was taken on his behalf (614, 615). Meantime, according to Col. Quary's account, the country was in anarchy and confusion (p. 175). The Advocate of the Admiralty gave his opinion that the obnoxious Act of 1701 (*see Calendar*, 1701, p. xlvii.) "for the better regulating of proceedings in the Admiralty Court," was calculated to be very prejudicial to the judges and officers of that Court, and therefore likely to lead to the encouragement of unlawful trade (79, 88). It had, in fact, in combination with other encouraging circumstances, resulted, according to Col. Quary, in the carrying on of that trade "to the greatest degree imaginable" (260). Other complaints came to hand of another Act, which penalised English bottoms 3*l.* a tun, or half the freight on skins or furs exported from that Province (122). Nicholas Trott, who had been suspended from the offices of Attorney-General and Naval Officer in connection with the *Cole and Bean* case, gives his account of the matter (308-315). As the only remedy for these manifold evils of administration, Col. Quary proposes that Carolina, like the other Proprietary Governments, should be resumed to the Crown; that the Governor should be instructed to treat the Indians with justice and tenderness, and to regulate the trade with them; and that every effort should be made to settle Port Royal; "the inhabitants are now sensible of their mistake in not settling there at first" (p. 175).

Expedition  
against  
St. Augus-  
tine.

In October Governor Moore was able to report the partial success of the rash expedition against the Spanish town of St. Augustine, which had been prepared in the previous year (*Calendar*, 1701, No. 719). On Oct. 27, the

New Governor.

Admiralty Act.

Act penalising English ships.

fleet sailed up the river of St. Augustine. An approach was made by land and water. The town was taken. But the castle proved stronger than had been expected. The raiders reported that they were confident of starving the garrison to a surrender, or of reducing them by a bombardment with guns they had requisitioned from Jamaica (1193*i.*). But even if they should take it, they would not be able to hold it without help in the shape of an English garrison (1193).

Hudson's Bay.

“The Governor and Company of the Adventurers trading into Hudson's Bay” again drew attention to the hard case in which the Treaty of Ryswick had placed them. They were reduced so low, that unless steps were taken to drive out the French, they would shortly lose all their trade. They proposed that an expedition should be sent for this end (40). Their own losses had been so great, however, that they declared that they could scarcely afford to carry on the trade there, much less to contribute to the cost of such an expedition (42).

The Council of Trade.

In the new Commission of the Council of Trade and Plantations, Robert Cecil took the place of Abraham Hill (27). The Bishop of London was also made a member of the Board and interposed to procure the repeal of an Act of New York which affected the provision made for Ministers, and an Act of the Leeward Islands which interfered with his jurisdiction (590, 593, 599). The Board passed another strenuous year, as the size of this volume in part indicates. The clerks of the Office were now  $2\frac{1}{4}$  years in arrears with their salaries, and, as the reward of work well done, were reduced “to great necessity” (711).

## II.

### THE WEST INDIES.

Proposal for a regular Service to the West Indies. Rapidity and certainty of communication is the most necessary condition of successful empire, as the Romans fully recognised. But they did not have to deal with the

Atlantic. Many indications have been given in these volumes of the immense inconvenience, and the serious disadvantages of the slow and irregular means of communication available. In cases of the most extreme importance, special sloops could be dispatched (414). Even then, packets were sometimes long delayed in transmission. It might be many months ere a ship happened to sail from Barbados to the Bahamas, or a post be sent from Virginia to Maryland. News of the war did not reach Maryland till October or Benbow till July ; tidings of the demise of the Crown did not come, officially, to Bermuda till September ; similar delay led, in Jamaica, to a peculiar crisis (811, 879, 912). Governors, like Nicholson of Virginia, or Bellomont in New York, were left for many months without instructions upon important points with which they had to deal before the Assemblies. Letters are occasionally endorsed as "Received" more than a year after they had been written, much to the inconvenience of the Editor. In these circumstances, the proposal of Mr. Dummer to establish a "monthly intelligence" to the West Indies, although somewhat visionary in its details, was wisely welcomed and usefully criticised by the Council of Trade (626, 639, 854). Towards the end of the year, we find one of Mr. Dummer's packet-boats sailing from Portsmouth for Barbados (1133).

Jamaica.  
Brigadier  
Selwyn  
appointed  
Governor.

Brigadier Selwyn was appointed to succeed Sir William Beeston as Governor of Jamaica (66, 94*i.*). The latter, in an interview with the Council of Trade, gave his opinion that the Assembly could not be induced to do more than settle the revenue year by year (854). The new Governor was again urged to persuade them to settle it, as had been done in the Duke of Albemarle's time, under threat that otherwise the Act then passed would at length be ratified (454, *cf. Calendar*, 1700, Feb. 4). Selwyn arrived in Jamaica on Jan. 21, to find "everything in disorder" (99). The island had now been under martial law for seven months. He set to work to pass measures for defence, and to restore

civil justice, and summoned a new Assembly to meet on March 17. He found the people "very capricious, jealous and difficult to manage." But he took pains to reconcile the animosities of the Council and Assembly, and was so far successful with the Assembly that they passed Acts for quartering the soldiers and raising the additional duty, which had been allowed to lapse in the last stormy session.

**His death.** The island was sickly. Disease, as the letters of Benbow and Beeston show (333, *etc.*), struck down new-comers with fearful frequency, though the "old Standers" became acclimatised and immune. The letter in which Governor Selwyn announces his success with the Assembly is cut short in dramatic fashion. He laid down his pen in the middle of a sentence, to die of the "bleeding fever," the ravages of which he had just been describing (267, 267*i.*).

Peter  
Beckford,  
Lieutenant-  
Governor.

On his death, Peter Beckford took up the reins of Government as Lieutenant-Governor (323, 378, *p.* 181). The Assembly was dissolved upon the news of the death of the King, and the Acts for quartering the soldiers and for the additional duty expired (523). The new Assembly met on August 6 in order to pass the necessary money Bills. But the six months, for which, by the Act of 7 and 8 William III, all powers granted by the King were confirmed after his death, had nearly expired, and no letters had arrived from England with new commissions from the Queen (790). At the last moment the question was raised as to whether those six months should be reckoned as calendar or lunar. Nobody knew. The Chief Justice developed scruples. If lunar, there were but few days left before the Government must come to a standstill. The Council and Assembly agreed to work night and day in order to get the money Bills passed (811, 818, 845). The Assembly took advantage of this situation to insert in the Levy Bill a clause taxing councillors for their office. This provision naturally gave great offence to the Council. But the sands were running out. They were obliged to give their assent, under protest (879), and obliged to

The new  
Assembly.

pass a clause which gave to the Assembly, through their commissioners, complete control of the disposal of the funds so granted, without order of Governor in Council (912).

Campaign  
against the  
Maroons.

An Act was also passed for a campaign against the rebel negroes. These had so largely increased in numbers, and become so bold, as to attack the Windward settlements, and threaten their existence (912). In the mountains to the north-east of the island they could boast a town with 100 acres of plantation. The parties sent out against them now fought a pitched battle with their main body of 300 men, and burned their settlements (978).

Earl of Peter-  
borough  
appointed  
Governor.

In September a Commission arrived for Col. Brewer to be Lieutenant-Governor. But he was already dead. Beckford therefore continued in office, at the instance of the Council, though he was himself secretly of opinion that they had not "at present any power of government at all" (978). Presently Col. Handasyde, who held the command of a regiment in Jamaica, and could boast long and faithful service in the Army, was appointed to succeed Brewer (636, 997). And at length the governorship was awarded to an interesting personage, the Earl of Peterborough (1169). He was also nominated "Admiral of the ships of war employed on that station." Peterborough, however, did not take up his governorship. His appointment was in connection with the command of a proposed attack upon the Spanish settlements in the West Indies, which he refused to undertake when he found that the force to be placed at his disposal was not what he considered sufficient. It was recommended by the Council of Trade that the Governor's salary should be made up to 2,000*l.* out of the revenue and fixed at that, in order that Governors "might no longer be obliged to the Assemblies" (*p.* 246).

Jamaican  
Exports.

Details of the exports of Jamaica in the preceding years are given (97). When the war was expected to break out

a law was passed prohibiting the export of stores of war or provisions, in order to embarrass the French and Spaniards (404).

Jamaica the Headquarters of Admiral Benbow. Some resentment was therefore naturally felt when it became known that the Dutch at Curaçoa were as busy at their trade with the Spaniards as if war had not been declared (743). Benbow, as we have seen, made Jamaica his headquarters, and it was here that his cowardly captains were court-martialled, and here that he died and was buried (1191) in Kingston Parish Church. His tombstone, with its curiously inaccurate inscription, survived the disastrous earthquake of 1907, and is still *in situ*. The fleet suffered heavy losses from sickness, but Benbow complains that the Government would do nothing to make those losses good, "though 'tis in their power, and they at the same time believe nothing but our shipping can protect them." "But," he adds with characteristic determination, "necessity has no law; whilst I live I will doe my endeavour that the King's ships shall be in the best condition our circumstances will admit of" (333). "We can hardly get fresh provisions to support our sick," he complains later (*p.* 368). The Government was wholly in the hands of the planters, and the planters were wholly concerned with getting rich, regarding the ships and soldiers as a great burthen, and wishing that they had never come into those parts. Governor Selwyn, on the other hand, took exception to the powers conferred upon Benbow. The right to press

The Question of Pressing. (with the permission of the Governor so far as his jurisdiction extended) both land-men and seamen was, he represented, the "greatest grievance imaginable in this country, which is almost undone for want of white men," and would "absolutely ruin the whole business of privateers settling here"; whilst the distinction in the colours of ships commissioned by the Governor would interfere with the independence of the privateers (631, *cf. p.* 48).

Privateers. Upon the declaration of war, however, there was a rush for commissions for privateers (743).

Expedition to Panama. Strong in the tradition of the buccaneers, the Jamaicans fitted out an expedition to repeat the achievement of Morgan, and sack Panama. Nine privateers sailed for the Gulf of Darien. The design to surprise Porto Bello miscarried owing to the carelessness, it was said, of the captain of H.M.S. *Gloucester*, who allowed the Spaniards to get wind of the declaration of war (811). Leaving their sloops upon the coast, and taking the risk that Ducasse might send a man-of-war to destroy them, a force of 530 men marched inland. They were joined by 800 natives, and seized Sta. Maria and the rich mines of the Golden Mountain, and advanced upon Panama, "in which lies an immense treasure" (790, 1056, 1062).

Hispaniola. The neighbourhood of Hispaniola was the chief source of apprehension to the Jamaicans. Whilst the French had long been busy peopling that island, the efforts of the English to encourage settlers in Jamaica had not been equally successful. "We must either put ourselves in the capacity of ruining the French, who daily increase on Hispaniola," says Beckford (p. 672), "or else this Island must expect to meet with the same destiny, whenever it's left destitute of a fleet." It was, therefore, with indignation and alarm that they learned that General Codrington had sent all the French prisoners taken in St. Kitts to Hispaniola (968*i.*, p. 672).

Codrington captures the French part of St. Kitts. The numbers of the French and English were nicely balanced in St. Kitts, but the courage and resource of Christopher Codrington turned the scale. He had seized the occasion of proclaiming Queen Anne to make, with salvoes and feu-de-joies, "three running fires to the very noses of the French" (570). He was ill with fever at Antigua when he received the news of the declaration of war. He wrote hastily protesting his innocence of all the charges made against him at home, and left at once for St. Kitts. "The cause must be decided, and our people won't go where I don't lead" (457, 457*iv.*, 674). On July 6, he had the satisfaction of being able to

announce from Basseterre that the Queen's flag was flying on the French fort, and that M. des Gennes and 1,200 French men, women and children were his prisoners. "A tolerable good disposition of my forces and a lucky stratagem or two made them doe that over-night which they were very much ashamed of the next morning" (700). The Articles of Capitulation are given (968.i.). But party spirit and local jealousy were rampant in St. Kitts as elsewhere. On the morrow of his success, Codrington found his endeavours to put the island in a strong state of defence "hampered by the unlucky division of the quarters."

*Attack upon Codrington by Mead and Freeman.* Meantime the charges which Mead and Freeman had brought against Codrington in connection with lawsuits concerning some Plantations in Nevis and St. Kitts (*Calendar*, 1701, *p.* lvii.), were argued before the Council of Trade by the representatives of either side (10, 13, 27, 30). Judgment was suspended until Codrington's statement of the case should come to hand, and Mead's appeal should be entered (95, 96, 113, 131, 133). Mead and Freeman were not content with this, but petitioned the House of Commons for redress (131, *p.* 166).

*Codrington's Reply.* Mead died about the same time as Codrington's reply was received, together with testimonials as to his conduct in the Freeman case (1065*ff.*, 1069). With indignant heat, he declares that "impalement ought to be their punishment, or his" (369). He shows that he did not sit upon the Bench, as had been alleged—a course against which the Council of Trade had already written to warn him, whatever precedents might be claimed (244). But his presence in Court on that occasion, and his zealous interference, though prompted by the highest motives of promoting justice, had undoubtedly laid him open to the imputation of interested partisanship.

*Plantation Justice.* In the course of his observations upon "Plantation Justice," a pamphlet to which reference was made last year (*Calendar*, 1701, lii.), it is interesting to note that Codrington

admits that the author's reflections were generally well grounded. Many monstrous verdicts, he agrees, were given, but they arose from ignorance rather than corruption (294). In Barbados, where there were "so many gentlemen who have had the advantage of education at the Universities and Inns of Court," this could easily be remedied by appointing two Courts composed of such men. But in the Leeward Islands "we are not yet so happy. The next generation, I hope, will be more accomplished" (294).

Codrington  
applies for  
Leave.

Unfortunately, Codrington's sensitive nature was exasperated by the attacks which were being made upon him by Mead and his friends. His high sense of honour impelled him to apply for leave to return home and defend himself, or to resign. He was disgusted at the idea of remaining "to be the greatest drudge that ever was in the publick service and spend 1,500*l.* a year out of my own estate, to meet with such returns (457, 458.) . . . If an English gentleman is to be perjured, clamoured and voted out of his reputation without being allowed a hearing, a Frenchman or even a Turc has no reason to envy an Englishman" (1034). The Council of Trade wrote a pacifying letter, refusing to entertain the idea of his retirement, when there was so great occasion of his courage and conduct in the defence of the islands (944).

Laws  
repealed.

Several Acts of the Leeward Islands were repealed this year (590), including an Act of St. Kitts, 1701, "for settling and strengthening the Island," which the Attorney-General reported to be unreasonable and unjust (646).

Colonel  
Elrington  
killed in a  
brawl at  
Nevis.

In Nevis, Col. Elrington, the Lieut.-Governor, was run through the body and killed in a fracas with one Capt. Chambers, when the Governor "was striking at him with his little cane." This method of argument, as we have seen, was not unusual with H.M. Governors, and even Codrington threatens to settle his differences with Mr. Carpenter by "a brace of balls" (457, 457.ii.). The Council of Trade took the opportunity of pointing out

that Governors ought not to vindicate their honour by such acts of violence as were too frequently practised by others (944). And in connection with the murder of *Antigua*, Major Martin of Antigua, and Codrington's observations thereon (*Calendar*, 1701, *p. lviii.*), they directed him to press for a law for restraining inhuman severity, "not only towards Christian servants, but slaves" (244).

Exports of  
St. Kitts.  
Governors'  
Salaries.

The exports of St. Kitts are given (111*i.*).

"These Governments must be put upon another foot before an honest man can serve in one of them," says Codrington (457), and elsewhere he explains that his Government is costing him 1,500*l.* a year. The question of a settlement of adequate salaries for governors had recently, as we have seen (*Calendar*, 1701, *p. xii.*, *etc.*) been pressed upon the notice of the Council of Trade by Bellomont, and Dudley also. They now proposed that the salary of the Governor of the Leeward Islands should be made up to 1,200*l.* sterl. (instead of 700*l.*), to be paid out of the 4½ *per cent.* duty, "since nothing can more conduce to the safety and welfare of those Islands than that the Government there be so established that the Governors may not depend upon the voluntary gifts and presents of the Assemblies for their maintenance; but that a sufficient salary be appointed for their support and the dignity of the Government without any other dependence than upon your Majesty." They also proposed that the Lieutenant-Governors of St. Kitts, Antigua, Nevis and Montserat should be paid 200*l.* a year out of the same fund, "thereby freeing such Governors from their obligation to the Assemblies and enabling your Majesty to send from hence fit persons for those commands, without being obliged to make use of planters and merchants inhabiting there, whose business and private interest may too easily divert them from the due care necessary to the discharge of that trust." In this case, they should be forbidden to receive in future any present from the Assemblies, with the exception of a Governor's House.

Thus relieved, the Assemblies would be able to apply the money saved towards the expenses of defence. The duty of  $4\frac{1}{2}$  *per cent.*, however, in the Leeward Islands did not exceed 3,000*l. per annum*, a sum insufficient to defray these and other necessary expenses. It was, therefore, left to H.M. Royal consideration "by what other means and ways of supply the safety of those Islands, which are of so great importance, may be further provided for" (349).

The  $4\frac{1}{2}$  per cent. Duty and the Defence of Barbados and the Leeward Islands.

The whole question of the application of the  $4\frac{1}{2}$  *per cent.* duty had been raised by the Barbadians in a petition of the Council and Assembly, which stated that the island was impoverished by the sugar duties imposed by James II, by her efforts in the last war, and by the  $4\frac{1}{2}$  *per cent.* They begged for a grant of guns and ammunition (60). Their prayer was granted, and it was ordered, upon an Address of the House of Commons, "that the  $4\frac{1}{2}$  *per cent.* duty in Barbados and the Leeward Islands, subject to the annuity payable to the heirs of the Earl of Kinnoule, should be applied to the repairing and erecting of fortifications there" (285, 286*i.*, 296, 394). But, since the sum thus arising would not provide fully for the necessary measures of defence, the Governors of Barbados and the Leeward Islands were particularly instructed to persuade the Assemblies to continue the public levies formerly raised (514, 515*i.*, 556, 557). A further order was issued for spending the balance of the  $4\frac{1}{2}$  *per cent.* accumulated up to date upon the stores of war required, and engineers and gunners for Barbados and the Leeward Islands. And it was promised that any surplus in the future would be applied "as to Her Majesty should seem most requisite" upon the representations of the Governor and Council of the Caribbee Islands (381, 815).

Meantime those interested in the island at home, as well as the President and Council of Barbados (819), alarmed by the neighbourhood of the French fleet at Martinique and their rumoured preparations for an attack,

petitioned for the establishment of some regular troops there, and, as had been urged and recommended before (*see Calendar, 1699, etc.*), for an increase in the Naval force attending Barbados. Otherwise, it was feared, the French privateers would paralyse trade, and cut off the provision ships, upon which the inhabitants depended, more especially at this time, when two years of drought had occasioned great distress (814*i.*). Their application received the support of the Council of Trade (885). The resulting Order in Council, however, merely suggested that, if desired, part of the  $4\frac{1}{2}$  *per cent.* might be used for maintaining some soldiers in the island (896-898). The petitioners, however, explained that their proposal was not intended as an alternative, and desired that the balance of the  $4\frac{1}{2}$  *per cent.* should be expended on ordnance, gunners and stores of war (1024). The question of providing further frigates was referred to the Admiralty. It was decided to add a fourth-rate frigate, it being pointed out that Benbow's squadron was in part a protection (1000). By that time, the island was beset by privateers from Martinique *etc.*, who did much damage to English shipping (1136-1138).

**Proposals for settling the Governor's Salary.** The  $4\frac{1}{2}$  *per cent.* duty in Barbados was calculated to yield 10,000*l.* a year. In pursuance of the policy already indicated in our survey of the other Governments, the Council of Trade recommended, "for the good of the Island, the interest of England in reference to trade, and the administration of Justice," that 800*l.* should be added to the Governor's salary out of that fund, making it up to 2,000*l.* a year, and thus rendering him independent of presents from the Assembly, which he should henceforth not be allowed to receive. The money so saved to the Colonists, they might lay out upon hospitals for the soldiers and sailors (348, 349).

**Alarm of a Negro Insurrection.** The alarm of a negro insurrection, and the discovery of a plot to burn Bridgetown, made by a fish-wife (28), led to various precautionary measures being taken (29),

and lent force to the appeal of the President and Council for the help of a regiment of foot, " whenever a war shall happen " (8, 9).

Alarm of French Invasion.

When intelligence was received of Châteaurenault's design to attack the island, the Assembly was hastily summoned, and measures for defence were passed (101-103, 124, 144, 145). Steps had already been taken to clear the trenches, purchase arms, repair the fortifications, (most of which, according to Lord Grey, were badly in need of it (53),) to exercise the Militia, and to appoint watches in the towns (53).

Mitford Crowe appointed Governor.

Mitford Crowe was appointed to succeed Lord Grey in January (33). His Instructions were similar to those formerly given to Grey, except for alterations since introduced in the case of all Governors, or specially directed to him subsequently (171). Thus, in connection with the complaints that had been made as to the administration of justice, it was ordered that the Governor should be admonished to a constant care that justice be administered on all occasions (15). Those complaints, however, were not silenced. Isaac Hawkins, alleging that there was still delay in the case of Barbara Newton (3.i.), repeated his criticisms of Barbados justice, as administered by interested and ignorant planters, merchants and inhabitants, instead of by qualified judges (50). It was therefore decided to insert in the Instructions of the new Governor directions urging him in the most pressing manner to see to the reformation of all irregularities in the Courts, and the speedy administration of justice (62, 92, *cf.* 863.i.). Mr. Hodges, who, I have suggested,\* was the author of the pamphlet on " Plantation Justice " (*Calendar*, 1701, *p.* liii.), carried his grievances to the House of Commons, complaining that the Council of Trade had " covered the truth from his Majesty " (153, 155, 155.ii.). The House of Commons dismissed his petition as " vexatious and scandalous " (422). But, if he had

Plantation Justice.

not made good his charges of maladministration against Lord Grey and the Council of Trade, his main contention as to the delay of justice, *etc.*, seems to be borne out by the evidence adduced, by Codrington's comments quoted above, and by a report by Mr. Larkin, in which he observes, "I don't at all admire that your Lordships are dayly harassed with complaints touching the irregular administration of affairs in the Plantations, since Patent Offices are so frequently disposed of to persons wholly unacquainted with business, and officiated by Deputys' Deputys' Deputys, some of which are scarce capable of writing six words of sense" (458). He quotes, as an instance, a boy of fourteen deputed to act as Secretary of the Leeward Islands and Clerk of the Council (*p.* 306).

<sup>No Alteration  
in Appeals.</sup> There was a further demand for an alteration in the instructions regarding appeals. It was proposed, upon the petition of several merchants and planters, that the right of appeal should not be limited to any sum as hitherto, and that the appeal should no longer have to be entered within 14 days of the judgment, but within six months (739, 739*i.*-*iii.*). The pros and cons of the matter were discussed before the Council of Trade. It appeared that, in practice, the limitation of appeals to the Supreme Court of Barbados to cases in which the value of 300*l.* was involved, was not enforced (1069, 1164, 1175). Upon the whole, the Board recommended that no alteration should be made until the general sense of the inhabitants was ascertained, since the proposals for a change had not come directly from the island, and those most interested held that a change would be prejudicial to all concerned. Enquiries were therefore ordered to be made of the Governor and Council (1194, 1195).

<sup>Repeal of the  
Habeas  
Corpus Act.</sup> The Act "for the better securing the liberty of H.M. subjects and preventing long imprisonments," a Habeas Corpus Act differing considerably from the English law, was repealed, for reasons set out (298). But special clauses were inserted in the Instructions of the new Governor with

a view to securing liberty and property and preventing long and unreasonable imprisonments (737, 863, 863.i.). The new Governor to whom these Instructions were given was now Sir Bevil Granville (510, 863), King William's death having apparently occurred at an unlucky moment for Mitford Crowe, who was, however, destined to succeed Granville. The latter was a nephew of the late Earl of Bath, and a soldier with none too good a record, except for fighting. Besides the directions in connection with the administration of justice, and the  $4\frac{1}{2}$  *per cent.*, he was instructed to secure the passing of laws for the better recovering of debts. The trade of Barbados was said to be much prejudiced by the inadequacy of the present machinery for that purpose, and this defect, unless remedied, threatened to draw "certain ruin upon the place." Ships were not to be allowed to sail without convoy, and the right of the English Crown to Tobago, Sta. Lucia, Dominica and St. Vincent was to be asserted. The Governor's allowance from the  $4\frac{1}{2}$  *per cent.* was fixed at 200*l.* sterling only (863.i.).

Tobago.

With regard to Tobago, another application was made this year by Poyntz and Co. for a Charter with Prince George for Governor. They offered to devote  $\frac{1}{20}$ th part of their profits to "pious purposes" (656).

Exports of  
Barbados.  
Proclamation  
of Queen  
Anne.

Details of the exports of Barbados are given (97).

News of the death of King William reached Barbados by the end of April (386). Anne was proclaimed on May 18, and an Address to H.M. signed, in which the loyal Barbadians offered to spend the last drop of their blood and the last penny of their fortunes in defence of H.M. right (499). On news of the war (654), commissions were issued for privateers, and a new Assembly was summoned (681). They expressed doubts as to the legality of the writs (757), and another election had to take place before further measures for providing for privateers and fortifications, and dealing with the prisoners who might be brought in (916, 917), were passed. They were soon at loggerheads with the Council. They frequently met

The new  
Assembly.

Quarrel with  
the Council.

and adjourned, owing to lack of a quorum, and showed scant courtesy to the Council in doing so (123, 284, 1189, *etc.*). There was a dispute as to the appointment of a commander of a flag of truce to be sent to Martinique. They found a difficulty in raising money to equip a vessel of war for the public service by an Act, although members showed their zeal by making private subscriptions ; and they wished to stop the issuing of commissions to privateers until the public service was provided with sailors. The President and Council resented the apparent claim of the Assembly to dictate as to the details of the equipment and provision for the vessels of war, and they took offence at what they considered some "very unsuitable and undecent expressions" addressed to them by the Speaker in laying the views of the Assembly before them, and requested that the Speaker should in future convey the messages of the Assembly in writing. The Assembly, however, upheld the action of their Speaker ; he had done nothing contrary to the sense of the House, and they refused to depart from their traditional practice (946, 973). The absence of a Governor does not seem to have brought about the millennium here any more than at New York.

The arbitrary behaviour of the captain of the man-of-war in attendance caused some trouble and nearly cost Mr. Larkin his life (335).

Rights of  
Scotsmen.

How the question of the eligibility of Scotsmen to hold offices in the Plantations under the Act of 7 & 8 William III was raised, and the decision furthered by a confederacy in which residents in the Colonies took their part, is shown by the correspondence of Mr. Mein, a Member of the Council of Barbados, where the leading case of Alexander Skene had arisen (211, 212).

The  
Bahamas and  
Governor  
Haskett.

In the last volume of this Calendar we witnessed the little Revolution in the Bahamas, which ended in the Governor being shipped off (*Calendar*, 1701, p. lviii.*f.*).

In May, Capt. Haskett arrived in England and, waiting upon the Council of Trade, promised to vindicate himself from the charges laid at his door (469). His accusers

tax him with arbitrary and unscrupulous exactions enforced with uncontrolled violence of behaviour (78, 100, 120, 307, 307*i.*, 547). Haskett's delay in stating his defence led the Council of Trade to make a report to the Queen without hearing him. They point out that their efforts to compel the Proprietors to give security for his good behaviour when he was appointed (*Calendar*, 1700), would probably, if successful, have prevented these mischiefs. The islands were now without Governor or defence, and the Proprietors were ordered to remedy this state of things. They appointed Edward Birch to the Government, with instructions to enquire into the case of Capt. Haskett (604, 613, 623). Haskett then at length submitted his defence (702, 703), which was presently supported by the evidence of Mr. Doggett, the Secretary of New Providence (877). He explained that, his papers having been seized, he could adduce no proof of his assertions (703). He repeated the uncomplimentary description of the inhabitants which he gave in his former despatches (*Calendar*, 1701, *p. lviii.*), and in later papers gave details of their mode of living by illegal trade, plunder and trafficking with pirates (720, 746, *cf.* 604).

He urged the resumption of the Government to the Crown, declaring that all the Proprietors were ready to surrender their right of government, except Mr. Granville (748). There seems too good reason to accept his description of the inhabitants. But the charges brought against him can hardly be altogether imaginary, or inspired, as he declared, by his firm repression of illegal trade. He was a choleric and violent ex-sea-captain, and, as it appears subsequently, (951, 952), an absconding debtor from London. The salary and perquisites of the Governor amounted to no more than 150*l.* *per annum* (678). It was but too likely that, in these circumstances, he should endeavour to line his pockets by arbitrary exactions and by endeavouring to engross the small trade of the islands on his own account. The details of the reprehensible

conduct with which he is charged are sufficiently entertaining; and throw a lurid light upon the manners and customs of such a settlement and such a Governor. Owing to the lack of evidence, which rendered it impossible to decide on the matters of fact, the Proprietors were ordered to issue a Commission of Enquiry to do him justice, besides providing for the defence of the islands and the proper administration of justice (891, 903, 904). Haskett, however, petitioned to have his case examined and reported on by the Proprietors forthwith, and this request was granted (1001).

Colonel  
Quary's  
Description  
of the  
Bahamas.

In the light of these documents, Col. Quary's report upon the Bahamas seems justified, insisting as it does upon the importance of those islands and their commercial possibilities, but remarking that hitherto, by the corruption, rapine and extortion of their Governors, they have only harboured pirates and encouraged all manner of illegal trade. The people, he represents, are oppressed by the barbarous usage of their Governors or forced off the Island of Providence (260). They themselves assert that the reputation of their avaricious Governors had put a complete stop to immigration (*p.* 205).

Bermuda.

The General Assembly of Bermuda thought it would be a good plan if the Government of the Bahamas were united with their own (25.vi.). They had had some experience of Capt. Haskett's methods in the case of a Bermudian sloop, which he seized for raking salt three years previously in Turks Islands (which were claimed by the Lords Proprietors of the Bahamas), and resented them accordingly (25.iv., vi.). But their own house was not altogether in order.

Mr. Larkin's  
Experience of  
Bermuda.

"The Governors being generally indigent and necessitous, mind their own advantage more than their master's interest, and for the usual present of 350*l.* forget their duty. Mr. Bennet is as arbitrary as the Grand Turk . . . and as much a Bermudian as if he had been born here. If the Governors of Bermuda are permitted to use gentlemen

sent here by the Crown after such a manner, I don't know any person that will adventure here for the future" (*pp. 662ff.*). Such was the view of the Government of Bermuda taken by Mr. Larkin, when he found himself in the same plight under Governor Bennet as that in which Mr. Randolph had been under Governor Day, and was as ready as he had been to dub Bermuda "the New Algier or the Unfortunate Island" (1042). His reasons were very similar. His zeal and self-importance as an official armed with a vague roving Commission of superiority (929), combined with indiscreet championship of the victims of some seriously irregular proceedings on the part of the Governor and Council, brought him into conflict with the interests of those who were already sufficiently restive at the presence of a "chiel amang 'em taking notes." He was committed to gaol. "For here it is as it ever was, '*sic volo, sic jubeo . . .*'" (1042). And he suggests another reason. "The Bermudians have a mighty antipathy to any gentleman commissionated under the Great Seal. . . . Never any Governor that come here since the Charter Government, or gentleman was sent by the Crown, but was imprisoned before his departure" (1132). He describes it as "one of the distractedest little Governments that I yet came into," and attributes the blame chiefly to the three Members of Council who had opposed Day (*p. 538*). Indeed, he takes the side of Day, though he admits his former irregularities, and of Jones, the Secretary, whom Governor Bennet had suspended (25, 866, 872). The former (389.iii.) was found guilty of publishing the libel referred to in *Calendar*, 1701, *p. lxi.*; the latter was convicted on several serious charges (25, 195).

Larkin calls attention to some irregular commissions issued to privateers, "I am very well assured they have been of ill-consequence" (*p. 538*). He questions the wisdom of Bennet's intention of disciplining the negroes, mulattoes, and Indians (25.i.). There was much illegal trade; the people were numerous, idle and unprincipled; Justice was

indifferently administered. "I would not try a cockroach by a Bermuda jury" (*p.* 541). The Governor is damned with faint praise. "If a Governor of Bermuda cannot dispense with his oath, which he takes for the preservation of the Acts of Trade, and break his Instructions, the people of the country are soon offended at him. This gentleman strives all he can to make himself popular, and in hopes of gaining a good name in order to a better Government, permits them do even what they please" (*p.* 539). The Council of Trade called Bennet to account upon the points raised by Larkin (1150*i.*). His own reports upon the difference with Larkin, and the reasons for his imprisonments, naturally differ from those of that officer (929, 939, 1075, 1094, 1109).

Queen Anne proclaimed.

Defence.

Excise Act.

The Laws of England.

Population.

Newfound-land.  
Irregularities of the Trade and Fishery.

It was not till Sept. 3 that Anne was proclaimed Queen in Bermuda, and the proclamation of war was issued some weeks later (929, 934, 1002). An Act was passed forbidding the export of provisions (125). The guns which arrived from the Tower were placed in position on the fortifications and in the trenches (25, 388).

An Excise Act granting double duties was passed in place of the former Act which had been under dispute (*p.* 273).

A question which, as we have seen in former volumes, was at this time frequently raised in the Plantations, was again raised in Bermuda. Were the laws of England in force here? The Attorney-General of Bermuda declared that they were not, unless enacted by the Assembly in Bermuda (388, *p.* 664).

The island was reported to be very populous, and to contain no less than 6,000 inhabitants (*p.* 540).

The Commodore's report of the previous year as to the irregularities of the Newfoundland trade and fishery, led to the new Commodore being instructed to consider remedies for such mischiefs, "in order to the preparing of such clauses to be proposed at the next Sessions of Parliament as may be requisite for the more effectual regulating that Trade." He was also directed to enquire

into the complaints received as to the embezzlement of the pay, provisions and the general behaviour of the soldiers stationed at St. John's (207, 376*i.*). And the Council of Trade recommended the removal of Capt. Powell and his lieutenant, whose baiting of the minister at St. John's was recorded in the last volume (207).

Remedies proposed.

The Commodore's report was therefore less perfunctory than in most preceding years, and still less complimentary to the inhabitants, whom he describes as lazy and debauched and exploited by the New England traders (1154*i.*). Whereupon, in their report to the House of Lords, the Council of Trade proposed that further powers should be given to the commanders of men-of-war there by a clause in an Act of Parliament (1202*i.*).

Fortification of St. John's.

Materials and workmen were ordered to be sent to complete the fortifications in St. John's Harbour (254*ff.*), and the sailors on H.M. ships were commanded to assist at the work (179). The chain for a boom to guard the harbour was, however, still useless for want of masts to float it (73). The Board of Ordnance suggested that the Navy Board, to whom it belonged, should provide for its fixing ; the Navy Board said that the Ordnance Office ought to do it (109). The Ordnance Office said they wouldn't and couldn't (193, 371). The ships were about to sail, and it was only upon the pressing representations of the Council of Trade that the Lord High Admiral broke through the bondage of red tape and agreed to order the fixing of the boom (377, 415, 425, 426). St. John's being thus provided for, a movement was set on foot for fortifying Trinity Harbour (529), whilst the Council of Trade proposed that the fleet should destroy the French fortifications at Chapeau Rouge (559). As if to justify these demands, came news of a raid by the French from Placentia upon Syllicone [?] (976). And presently it was reported that they had plundered all the north side of Trinity Bay (1190).

French Raids.

Enquiries were made into the grievances of the soldiers stationed in Newfoundland. Their wretched condition

Wretched Condition of the Soldiers.

led to wholesale desertions at this critical period (288, 1154*i.*, 1181, 1187).

Surinam.

An echo of the English surrender of Surinam is sounded in the petitions of Jeronimy Clifford (360*i.*–iv.). The Dutch had not fulfilled their obligations under the treaty of Westminster (1674) with regard to the removal of the petitioner's property. His case was transmitted to the English Envoy at the Hague, in order that he might lay the matter before the States General (491, 542, 554).

Colonial  
Records.

The risks which the Records of the various Colonies ran in these early days from careless keeping, are occasionally indicated (1, 242), as well as the measures which were taken to preserve them (29, 1071).

Slockster and  
Hustle-cap.

One curious word occurs in the shape of the phrase "slockstered away" = pilfered (*p.* 744). A Pennsylvania jury decided a case by "hustle-cap" = shaking a coin in a hat (272).

CECIL, HEADLAM.



# COLONIAL PAPERS.

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1702.

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1702.

Jan. 1. 1. Mr. Sheafe to the Council of Trade and Plantations. I am  
Newcastle in wholly a stranger, therefore may appear as a medler in business  
New or an insinuator, which may make my pretence suspected, but  
Hampshire. being here at present the officer of H.M. Customs, and of no  
partie, I thought it my duty to enquire into and to represent to  
your Lordships the true state of this Province, and the rather  
because I know those who are qualified to do it better will omit it.  
This Province, tho' at present of small consideration, consisting  
only of four or five small towns, may yet be esteemed of great  
importance for H.M. service, being capable to afford masts and  
all Naval Stores as good if not better than any other place, and  
also lying convenient for the Fishery. The Fort or Citadel is  
much decayed, out of repair and not serviceable, and besides the  
considerations before mentioned this Port or Harbour may in  
some sense be called the key to the other Governments; if it  
should be possessed by an enemy, it would be difficult for the  
Massachusetts Province to subsist long. I therefore propose it as  
a matter of great importance to erect a strong Fort or Citadel,  
which cannot be otherwise done than at H.M. charge. The  
expences of this Province have been of late, and yet do continue  
to be many, and almost unaccountable, so that there cannot be  
expected any quantity of money to be disbursed by the  
inhabitants. If they do provide timber, stone and lime sufficient  
and bring it to the place, it is the most they will be capable to  
perform.

The opposition made here by the inhabitants against Samuel  
Allen, Proprietor, hath occasioned very great expence, besides  
950*l.* raised this year, called the Province rate, and more than  
600*l.* for the Town charges and Ministers' maintenance, there  
hath been loan money, or subscription for 2,000*l.* or more, as is  
generally affirmed, for defending against Allen's claim. If that  
case were determined, this place would soon flourish and the  
inhabitants increase, and thereby become greatly serviceable  
to H.M. There is great want of powder and ammunition, a  
Commander of the Fort and Compa. of soldiers, for this is a  
frontier to the Indian enemy and lies exposed. I also humbly  
represent it as needful that the Auditor General appointed some  
meet person to inspect the accounts of the Treasury, and the  
account of powder, and with Instructions proper, and to make  
report thereof. I propose it as needful that the Records of this  
Province be ordered into the hands of the Secretary, for of late

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years, in opposition to the Proprietor, the Records have been by Act of Assembly ordered into the hands of diverse persons, and by often removing or otherwise many are said to be lost ; the persons in whose hands they have been not having been qualified, nor upon oath, of which I have heard many complaints. The Justices, when they decree any fine for the King, divide the same among themselves. Diverse do complain for want of a Court of Chancery. The Commission about Piracy is not yet published ; the reason given is because as yet there hath been only a copy of the exemplification produced.

Some unkindnesses have passed publickly between Mr. Atwood, Judge of the Admiralty, and the Justices of the Superior Court in Massachusetts Province. I am not ignorant of the cost and charge hath been for Masts and Naval Stores without any extraordinary advantage to the undertakers, I therefore humbly represent that a stock of 200 masts, or such numbers the Admiralty and Commissioners of the Navy shall agree upon, with proportionable Naval Stores, to be always in readiness when sent for, and as any are sent home, to be anew supplied, will conduce much to H.M. service, the advantage of time in getting them will save H.M. coffers at least one quarter part, besides their being always ready upon any occasion, and will prevent the continued trouble of renewed contracts. The Masts may be keyed down in some convenient place, whereof here are several such, where they may be preserved for 20 years without any damage ; there may also, if it be approved of, be a ship of about 500 tons, a sort of Catt, here built for the carrying home of masts and stores, and when not so employed may carry timber to the West Indies in any the Plantations. The first disburse for this will be about 4,000*l.* ; two persons may be appointed for the managing thereof, who may also have full instructions to prevent the cutting down of timber fit for H.M. service. Mr. Bridger, who I suppose is now in England, hath furnished himself by his enquiries here to give your Honours satisfaction in this matter. I have been employed many years in getting masts and stores by Sir John Shorter & Co. for H.M. service, until Sir John's death, and have thereby been advantaged to know some thing more then some other men in those affairs, and if your Lordships relish this overture, I may offer further proposals. *Signed*, Sampson Sheafe. *Endorsed*, Reed. April —, Read May 4, 1702. *Copy*. The original was given to Mr. Usher to lay before the Lord High Admiral. 5 pp. [C.O. 5, 862. No. 93 ; and 5, 910. pp. 202-208.]

Jan. 1. **2.** Order of King in Council. Referring enclosed petition to Kensington. the Council of Trade and Plantations for their report. *Signed*, John Povey. *Endorsed*, Reed. 6th, Read 7th Jan., 1702.  $\frac{3}{4}$  p. *Enclosed*,

2. i. Petition of Joseph Jory, Agent for Nevis, to the King. London. Dec. 30, 1701. Your Majesty's Lt. Gov., Council and Assembly of Nevis have sent home 600 match-lock barrels belonging to your Majesty's Forts

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there, and pray that they may be received into the Tower of London, and that a sufficient number of fire-lock arms may be ordered to be delivered forthwith out of the Tower for a supply of your Majesty's Forts there, whose necessities are very great for the want thereof. *Signed*, Joseph Jory. *Copy.*  $\frac{3}{4}$  p. [C.O. 152, 4. Nos. 75, 75.i.; and 153, 7. pp. 331, 332.]

Jan. 1. 3. Order of King in Council. Referring enclosed to the Kensington. Council of Trade and Plantations for their Report. *Signed*, John Povey. *Endorsed*, Recd. 14th, Read 16th Jan., 1701 $\frac{1}{2}$ .  $\frac{3}{4}$  p. *Enclosed*,

3. i. Petition of Isaac Hawkins to the King. On Dec. 12, 1700, Petitioner petitioned your Majesty in Council, showing that Barbara Newton, late of Barbados, Widow, having a just debt of 5,975*l.* due to her on bond from some persons who were of the Council of the said Island, and having in vain sought justice for several years in the Courts of Law and Equity there, she was forced at last to appeal to your Majesty in Council against the several judgments and decree there wrongfully given against her, but dyed before the said Appeal came to a hearing, having first made Petitioner one of her executors, who with the rest of her executors brought the said cause to a hearing, April 15, 1695, when your Majesty was graciously pleased to set aside the said judgement and decree and leave your petitioners and the said executors at liberty to begin a new suit thereon. Your Petitioner did further shew that the great hardship wch. Barbara Newton suffered in that Island proceeded from the present Constitution of the Courts in that Island, where twelve persons, who are the Council, are judges of the Court of Chancery and Court of Errors, and several of the said persons being interested against her in the said suit, was the occasion of the great wrong there done to her, and that several of the said Council being still interested in the said cause, your Petitioner had not reason to expect any better success on a new suit than Barbara Newton had, and that he was likewise discouraged by the frequent adjournments and long delays of the Courts in that Island, from whence after many years new suit he might probably be forced to bring over the said cause again by Appeal to your Majesty in Council. Upon which he did most humbly pray that your Majesty would take into your Royal consideration the great hardship it was to your Petitioner and many others that the said Courts did so seldom sit, and to have their causes heard and determined by the major vote of persons who are frequently interested in the causes that come before them, and that your Majesty would be graciously pleased to give such order therein as to your Majesty's

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great wisdom would seem fit. Which petition your Majesty referred to the Council of Trade and Plantations for their report thereon, who on Feb. 6, 1700, declared their opinion that the said petition should be sent to the Governor for his answer, and that letters should be also dispatched requiring him to take special care that no persons interested in the suits depending in any of the Courts of that Island should be appointed or permitted to sit as Judges in the causes wherein they are concerned, and that he should himself constantly hold the Court of Chancery. Petitioner hath for twelve months past attended for the Governor's answer, and for such further and effectual remedy as he did humbly hope would have been recommended to your Majesty's gracious consideration by the Council of Trade and Plantations, and especially concerning the present constitution of the Court of Chancery and Court of Errors, which he humbly conceives has been plainly made appear to them to be inconvenient with your Majesty's service, and the good of your people who are interested in the said Island or in the trade thereof, as your Petitioner is ready to make more fully appear, and likewise that there is not in the said Island any such ancient or established method of Justice as cannot be changed when your Majesty shall judge it reasonable, and that in fact such changes have been frequently and some of them very lately made in that Island. Petitioner prays that in compassion to several infants, grandchildren of Barbara Newton (for whom Petitioner is only intrusted), and for the better administration of Justice to many other of Your Majesty's subjects, your Majesty would be graciously pleased to give such further direction therein as to your Majesty's great wisdom shall seem fit. *Copy.* 3 pp. [C.O. 28, 6. Nos. 24.A., 24.A.i.; and 29, 7. pp. 454-458.]

Jan. 1. 4. Order of King in Council. Ordered that Mr. Edmund Jenings be appointed Secretary of Virginia during H.M.'s pleasure, and that he be obliged to actual residence at Williamsburg during the time of his being Secretary of H.M.'s sd. Colony. Mr. Secretary Vernon to prepare a Commission for his Majesty's Royal signature accordingly. *Signed,* Edward Southwell. *Endorsed,* Recd. 19th, Read Jan. 20, 170 $\frac{1}{2}$ . 1 p. [C.O. 5, 1312. No. 24; and 5, 1360. p. 101.]

Jan. 2. 5. William Popple to Edward Northey, Attorney General. Whitehall. The Lords Commissioners for Trade and Plantations have again commanded me to desire you to report to them your opinion in point of Law upon the Acts of Pennsylvania, which I sent you in my letter of the 29th of October last; or if you have not yet considered the same, that you returne them to their Lordships, tho' without a Report. Only in that case, they desire your and

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Mr. Sollicitor Genl's. answer to the two questions expressed in my said letter without delay. [C.O. 5, 1289. p. 318.]

Jan. 2.  
Whitehall.

**6.** Journal of Council of Trade and Plantations. Representation, wherewith to lay before H.M. the drafts of a Commission and Instructions for a Governor for the Jersies, agreed upon.

Ordered that the Secretary write to Mr. Attorney General for his report upon the Pennsylvania Acts, *as in preceding.*

A letter was writ to the Earl of Carlisle to acquaint him that as First Commissioner of H.M. Treasury, he is one of the Commissioners for Trade and Plantations, and that this Board will accordingly be glad of his assistance whenever his other affairs permit. [C.O. 391, 14. pp. 266, 267; and 391, 96. No. 1.]

Jan. 6.  
Whitehall.

**7.** Council of Trade and Plantations to the King. Having been directed by their Excellencies the Lords Justices, upon a Representation which we humbly laid before them concerning the disorders in yr. Majty.'s Provinces of East and West New Jersey in America, to prepare Draughts of a Commission and Instructions for a Governour to be sent thither by yr. Majty. and to consult therein the Proprietors of those Provinces in order to the surrender of their pretended right to the Government of the same, We humbly lay before yr. Majty. the Draughts which we have prepared accordingly with such clauses as we conceive proper to enable the Governour (for whose name we have left a blank) to proceed in settling a Government in that Country conformable (as near as the circumstances of the Inhabitants will permitt) to the method of Government settled by yr. Majty.'s respective Commissions in Your other American Plantations, and withall to prevent the interfering of that Colony with the interest of those other Plantations. We have also in pursuance of their Excellencies' Directions communicated the said Draughts to Sir Thomas Lane and others the principal Proprietors of West New Jersey and to Mr. William Dockwra, Secretary, and others the Principal Proprietors of East New Jersey, in behalf of themselves and the rest of the Proprietors of both those Divisions, which Draughts they have unanimously approved, And in confidence that yr. Majty. will be graciously pleased accordingly to constitute a Governour over those Countries, they have declared themselves willing and ready to surrender all their Right or Pretence of Right to Government which they have hitherto claimed. Whereupon we humbly represent to yr. Majty. that the reducing those Colonies to an orderly form of Government under a Governour constituted by yr. Majty.'s immediate Commission, will be of great service to yr. Majty. in preventing illegal Trade and the harbouring of Pirates and will be of good influence throughout the other Plantations. And we humbly offer that Mr. Attorney General be directed forthwith to prepare a Form of a Surrender of their said Right or Pretence of Right to Government, which may be most effectual to the extinguishing their Pretentions; and present the same to yr. Majesty. And whereas they have desired that the first Governour

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to be thus appointed by yr. Majesty may be a person fitly qualified for that service, but cannot agree in the recommendation of any particular Person, We humbly propose that when the surrender shall be made, yr. Majesty would be pleased to nominate some person wholly unconcerned in the factions which have divided the inhabitants of those parts. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [C.O. 5, 1289. pp. 319-321.]

Jan. 6.  
Council  
Chamber,  
Barbadoes.

**8.** President and Council of Barbados to the Council of Trade and Plantations. Since his Excellency the Lord Grey's departure from hence, there hath occurred a matter of importance, which we humbly think to be our duty to lay before your Lordships for his Majesty's service. When Admiral Bembow was with H.M.'s squadron of shippes at sea, to the North East of this Island in the month of October last, he came up with a pink called the *Hermin of Nantes*, John Dossett Master, bound as we have been informed from France to Martinique, laden with French merchandize, which he caused to be brought into the cheif Rhoad of this island by Captain Richard Kirkby, Commander of H.M.S. *Ruby*. H.E. Lord Grey was applyed unto (after Admiral Benbow was gone hence) by the said French Master and one Monsr. Horry, the Merchant of the said pink, to be dismist and suffered to go about his business, upon which Captain Kirby being here was ordered to attend his Lordship in Councill to show cause why the said French Master and Merchant's desire should not be granted, and upon hearing the allegations on both sides urged, it was the opinion of his Lordship and the Board, that the said pink ought to be dismist, as belonging to the subjects of his most Christian Majesty, and his Lordship then asked them if they had suffered any unkind treatment or injury, who declared both of them, that they and their ship's company had been very civilly used by Captain Kirby and his officers and seamen and that only one hhd. of ordinary dry goods had been open'd, and about the one half thereof taken out, which they then charged upon the English seamen, who charged the same back again upon the French carpenter, as done by him ; upon this the French were told by his Excellency, that the matter should be further enquired into, if they desired it, but both the French Master and Merchant declared at this Board that the goods wanting were of so small a value, that they thought it not worth their looking further after ; and thus it stood when his Excellency went hence on the 20th November last. On which day the Frenchman also sailed in prosecution of her intended voyage to Martineque. But now the French have started new demands and have charged the stopping of the pink by Admiral Benbow as an infraction of the Peace at Riswick, and require about three hundred pounds sterlign for reparation of damages ; all which your Lordships will perceive by a true copy of a letter from Monsieur D'Guitand, the French Generall at Martineque, lately sent hither by a French sloop by the hands of the said Mons. Horry, whereunto we humbly crave leave to referr your Lordships ; and altho' we were under some

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surprise to hear again of that matter, because we thought they had been well satisfied with their kind usage here ; yet we held it necessary to return an answer to it, which was done in the manner your Lordships will see by a true copy of it herewith sent ; whereof we hope your Lordships will have favourable thoughts ; we having before it was wrote taken the opinion of Mr. Chilton, H.M.'s Attorney Generall of this Island, concerning the manner offer'd the French to attaine their demands, which your Lordships will also see by a copy of the Minutes of Councill to that purpose. Your Lordships' penetrating judgments may discern more in this French letter, then we can judge of, and therefore we most humbly think it our dutys to hasten it to you by this first opportunity together with our proceedings, that it may (if your Lordships see it needfull) be laid before his Majesty : the French General at Martineque having done the like to his Master, as his said letter informs us. We think it needfull also to acquaint your Lordships that some Negroes are now questioned here for having had a designe to burn the Bridg Towne, and to attempt some other violences ; and a Court according to Law has been appointed to discover and try the offenders, who have not yet mett with reasons enough to think their designe was a generall insurrection, as some persons have feared : nor do we think there is now any great danger ; since we are alarmed by it, however, to prevent the worst and that this Island may be in a better state of security against all unfortunate events, we beseech your Lordships to lay our humble prayers before his Majesty, that whenever a warr shall happen, H.M. would be graciously pleased to post a regiment of Foot here in such manner as his royal goodness and wisdome shall think fitt ; that this Island so valuable to the Crown and Kingdome may be in a better state of security than it's possible to be without it. *Signed*, John Farmer, Presdt., Geo. Lillington, Geo. Andrews, Patk. Mein, David Ramsay, Saml. Cox. *P.S.*—Jan. 14. Since the foregoing letter was writt by myself and Councill, I have had intelligence of severall French Men of Warr now at Martinique, and others expected there, as your Lordships will see by the inclosed depositions now transmitted to you. *Signed*, John Farmer. *Endorsed*, Recd. Feb. 28, Read March 3, 170 $\frac{1}{2}$ . 2 $\frac{3}{4}$  pp. *Enclosed*,

8. i. Abstract of preceding. 1 p.

8. ii. Deposition of Evan Parris, Master of the *Graysberry*.

Jan. 14, 170 $\frac{1}{2}$ . Being by stress of weather put into Martineco, Jan. 7, lying in the Port of St. Peters, saw in that harbour thirteen French men of war lying at an anchor, one whereof was a three deck ship with a flagg at the missen top mast head, mounted, as 'twas said, with 106 guns, the rest were fifty gun ships and upwards. They had been about a fortnight there in expectation of being joined by 35 sail of French men of war more from Europe. By the information of some Englishmen then at Martinico, there also lay at Port Royal in Martineco two and twenty sail more of French men-of-war, under the command of a flag at the main

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top mast head, being a three deck ship, and at his coming along the coast of the Island near the said Port of Fort Royal, in the night he observed the eight o'clock gun to be fired and many lights in that harbour. Before he was suffered to depart from Port St. Peters, the Intendant of the Island together with an officer belonging to the Flag ship lying in Port St. Peters went from thence to Port Royal to consult the officers of the men-of-war lying there, whether this Deponent should be suffered to come away or not from hence, for this Island, nor was he permitted to come away until they returned, which they did about 24 hours after, and then this Deponent was permitted to sail, which he accordingly performed on the 10th inst. and arrived here this day. By the best information he could learn, the said men-of-war were bound to the Westward. *Signed*, Evan Parris. *Endorsed*, Recd. Feb. 28, 170 $\frac{1}{2}$ . 1 $\frac{1}{4}$  pp.

8. iii. Deposition of Giles Fifield, Commander of the *Dolphin*. Jan. 12, 170 $\frac{1}{2}$ . Being at Maderas, loading with wines, Nov. 25, there arrived in that Port a French man-of-war of about 70 guns from Lisbon, with a packet from the King of Portugal to the Governor of Maderas, commanding (as Deponent was informed by the English merchants there) that Governor to supply a squadron of French, consisting of 38 sail of men-of-war and five ships, which they might expect there in a very short time, with what that Island could afford. But whither the said squadron were designed, Deponent heard not. On Nov. 28, while he lay in that Port, one of H.M. ships of war, commanded by Capt. Paul, belonging to the squadron under the command of Commadore Whetstone arrived, and gave an account that the said squadron under command of Commadore Whetstone were put to sea, and afterwards separated by bad weather, wch. Capt. informed Deponent that it was the orders of Commadore Whetstone that if they should be separated by bad weather they should make the best of their way to Maderas in order to make up their squadron there. Deponent leaving Maderas on Dec. 2, left that ship there. *Signed*, Giles Fifield. *Endorsed*, Recd. Feb. 28, Read March 3, 170 $\frac{1}{2}$ . 1 $\frac{1}{4}$  pp.

8. iv. Minute of Council of Barbados, Nov. 19, 1701. *Endorsed as preceding*. *Copy*. 1 p.

8. v. M. de Guitand, Governor of Martinique to the President of the Council of Barbados. Martinique, Dec. 29, 1701. [See *Cal. A. and W. I.* 1701. No. 1192.] *Signed*, Le Commandant De Guitand. *Endorsed as preceding*. *Copy*. French. 2 $\frac{1}{3}$  pp.

8. vi. President of the Council of Barbados to the Governor of Martinique. Barbados. Dec. 30, 1701. [See *Cal. 1701*.] *Signed*, John Farmer, President. *Endorsed as preceding*. *Copy*. 2 pp.

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8. vii. Copy of Minute of Council of Barbados, Dec. 30, 1701.  
*Endorsed as preceding.* 1 p.

8. viii. Copy of Minute of Council of Barbados, Dec. 30, 1701.  
*Endorsed as preceding.* 1 p. [C.O. 28, 6. Nos. 25, 25.i.-viii. ; and (without enclosures) 29, 8. pp. 475-481.]

Jan. 6.  
 Council  
 Chamber,  
 Barbados.

9. Council of Barbados to the Lord Grey. As your Excellency's departure hence was the occasion of great sorrow not only to us, but to all the inhabitants here, who were never more happy than under your Government, so it will be a thing of great joy to us to hear that your Lordship is safely arrived, etc. *Gives information of the Hermin de Nantes affair, as above.* We pray your Excellency's assistance to this Island in procuring a regiment of foot to be sent hither whenever a war shall happen. Really, my Lord, there will be need for it, for reasons you too well know. We are in great hopes you will be successful in this, as also in what other matters the Island besought your favour in at your going, especially for the great guns and shot to be speedily sent. Your Excellency's absence doth not make us think you are the less our Governor, nor do we despair of your Lordship's returning to us again. *Signed,* John Farmer, President, Geo. Lillington, Geo. Andrews, Pat. Mein, David Ramsay, Samll. Cox. *Endorsed,* Communicated to the Board by the Lord Grey. Recd. Read March 3, 170 $\frac{1}{2}$ . *Copy.* 3 pp. [C.O. 28, 6. No. 26.]

Jan. 6.

10. Archibald Hutcheson to the Council of Trade and Plantations. I shall not repeat what I have already offered in Col. Codrington's behalf in answer to Mr. Freeman, but having since by your Lordships' directions had copies of some papers exhibited by him in proof of his petition, I crave leave to remark (1) That there is no proof on oath of the injury complained of, for Mr. Goodwyn swears only as to Mr. Freeman's Agent being in possession, and Mr. Mead of his own knowledge swears no more. As to the Letters Patents, how possession was thereon obtained, how and on what grounds the Justices proceeded, what application was afterwards made to Col. Codrington, and what was done thereon, there is no proof offered but letters and copies of papers ; and were it therefore regular, as I humbly insist it is not, on the hearing only on the one side to grant what the Petitioner desires, yet surely the allegations on which the request is founded ought at least to be supported by some testimony on oath, and by what has lately happened in relation to Mr. Mead's complaint now before your Lordships, there is a fresh instance how slender an evidence letters are to be esteemed, for that gentleman's correspondents wrote to him late in Oct. last that they knew not when his appeal would be heard, although they continued to press the same. And I have now in my custody the attested copies of the record of the proceedings in that appeal by which it appears that the same was heard and determined, and an appeal to H.M. craved and allowed Sept. 6 last. Again, Mr. Pogson, the Petitioner's Agent, writes, July 16,

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relating to one of your Lordships' Board, which he affirms as positively as he does his other matters, and with as much assurance as if he had seen a letter of Col. Codrington's to that purpose, tho' I presume none who know that gentleman will think so poorly of his sense as to believe him capable of offering so rude and brutish an indignity as to pretend to employ any of your Lordships for his Sollicitor, and that too in a matter which would probably come before the Board. (2) But supposing the said letters and copies were to be admitted as evidence, yet they nowise prove that part of the complaint which particularly relates to Col. Codrington, vизt. that instead of giving redress on the application made to him by the Petitioner's Agent, he immediately entred upon and took possession of the Plantation for his own use, and now holds and enjoys the same, giving orders in and about the management thereof; and yet by Mr. Pogson's letters it appears that he was still in possession thereof, and planting and managing for the Petitioner's benefit, and not for Col. Codrington, as was suggested at the last hearing, for he expressly says that he had refused all offers from Col. Codrington for that purpose. (3) Even supposing Petitioner's Agents were now actually out of possession, and that the petition of which the copy is produced had been presented to Col. Codrington, and that he has done nothing thereon, he has done just as he ought, and what I presume the Lord Chancellor would have done on the like petition. Here is a conviction of a forcible detainer, for ought appears to the contrary, duly made by two Justices on their view, and thereon the force removed and possession given to those from whom it was wrongfully detained. Whilst this conviction remains in force, it cannot be pretended that Governors in the Plantations or the Chancellor here can on a petition grant orders to restore possession legally taken away. (4) Argues that nothing can be offered for setting aside the legality of the conviction. *Signed*, Arch. Hutcheson. *Endorsed*, Recd. Read Jan. 6, 170 $\frac{1}{2}$ . 3 closely written pp. [C.O. 152, 4. No. 77; and 153, 7. pp. 323-330.]

[? Jan. 6.] **11.** James Taylor (Deputy Secretary of St. Kitts) to Capt. John Pogson. I cannot give you a particular account as to time, but the Commission of the Peace was not signed by H.E., nor did pass the Seal in about two months after the gentlemen appointed Justices were sworn. Upon Aug. 30 it was produced in Council signed and sealed. I cannot inform myself when it was sent to Antegoa, but sure I am, it was many weeks after the Justices were nominated therein and sworn. *Signed*, Ja. Taylor. *Countersigned*, Wm. Mead. Sept. 5, 1701. *Endorsed*, Presented to the Board by Capt. Freeman. Recd. Read Jan. 6, 170 $\frac{1}{2}$ . *Copy*.  $\frac{3}{4}$  p. [C.O. 152, 4. No. 76.]

[Jan. 6.] **12.** Extract of letter from Major Lewis Burwell to Sir Jeffrey Jeffreys, Aug. 20, 1701. Begging his assistance "in gitting a quietus from bearing the office of a Councillor in Virginia."

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*Endorsed, Recd. Read Jan. 6, 170<sup>1</sup><sub>2</sub>. Addressed, To William Blathwayte, Esq. Copy. 1 p. [C.O. 5, 1312. No. 25.]*

Jan. 6.  
Whitehall.

**13.** Journal of Council of Trade and Plantations. Representation concerning the Governor's Commission for the Jerseys [see Jan. 2] signed.

Letter to the Earl of Manchester, to acquaint him that as one of H.M. Principal Secretaries of State he is one of the Commissioners of this Board, signed.

Upon consideration of Capt. Richard's letter, Sept. 8 last, from Newfoundland, ordered that a letter be prepared wherein to transmit copies of his agreement with masters of ships to transport materials thither, to the merchants of this City and of several outports trading to Newfoundland, to know what may be depended upon for the performance of that promise.

Mr. Blathwayt communicated to the Board a letter from Sir Jeffery Jefferies concerning Mr. Burwell [*as in preceding*].

Mr. Freeman attending according to appointment with Mr. Brown on one side, and Mr. Hutchinson and Mr. Cary with Sir Thomas Powis on the other, the latter, in order to defend the proceedings of the two Justices of Peace in dispossessing Mr. Freeman's Agents of the Plantation called the Mannor of Godwin in St. Christophers, did assert as Law that a forcible detainer is within the purview of the Statute as much as a forcible entry; and that upon Mr. Cunningham's complaint thereof the Justices were obliged to go to the place; that their view upon the place is a sufficient evidence to them without any further enquiry; and the same being recorded is so far good in Law that it cannot be traversed, but may indeed be removed by Certiorari; whereas a proceeding by a Jury (which method they might have followed, if they had thought fit) is of less credit and may be traversed; and as to the objection that Mr. Cunningham was excluded from this course of proceeding by the view of the Justices, by reason of the length of time that Mr. Freeman had been in quiet possession, he answered that it appears by the petition itself that his possession cannot have been longer than from Aug. 8, 1699 (the date of his patent) till about May 22, 1701 (the time of the entry complained of) which is not full two years; whereas the Statute relating to entries upon estates by the view of two Justices does not make any limitation of time at all; only a proviso in the end allows that after three years' peaceable possession, the possessor may defend by force; so that the proceedings of the Justices, he said, were according to Law.

Mr. Brown, in answer, set forth Mr. Freeman's title not as derived only from his patent, but as descending to him from his father, and restored by the patent; after the granting of which patent, Mr. Freeman by his Agents did peaceably enter upon the plantation, and had since that time continued in quiet possession of it; and his complaint is that he is now dispossessed not by due course of law (which ought to have been upon an enquiry by a Jury), but by a mere colour of Law, whereas in truth it was a violence committed upon him by Col. Codrington's

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Agents or others under the favor of his protection, as appears by the threatening expressions set forth in the petition, and proved by Mr. Mead's deposition.

Upon further queries made by the Board relating to the dispossessing of one party and putting the other into possession, Sir T. Powis agreed that all that Justices of Peace can do upon complaint made to them of a forcible detainer, and their view thereof, is to remove the said force: they can proceed no farther: nor have they any authority to put the person complaining into possession: that being a thing which cannot be done, but by inquisition. It was objected also by Mr. Brown that there does not appear to have been any record made by the Justices upon their view more than the mittimus by which they sent Pogson and others to prison, which (if so) is a great defect in their proceedings; and that upon sending those persons to prison it seems as if Cunningham or other Agents for Col. Codrington entered into possession without more ado. To which Sir Thomas Powis, as likewise Mr. Hutchinson and Mr. Cory, answered, that as they had no instruction from Col. Codrington in the matter, they desired that he may be heard before any resolution be taken. As to the suggestion in the petition that the two persons called Justices, who dispossessed Mr. Freeman, were not really Justices at the time of their so doing, Mr. Brown showed to the Board a letter from Mr. James Taylor, Dep. Secretary of St. Christophers, (with a deposition of Mr. Mead's proving it to be Taylor's hand) wherein he writes that the Commission of the Peace was not signed by the Governor, nor did pass the Seal in about 2 months after the gentlemen appointed Justices were sworn. Copies of the letter and deposition were taken.

Mr. Hutchinson delivered to the Board a further memorial in defence of Col. Codrington.

Jan. 7.

Mr. Mead attending on one side, in pursuance of the minutes of Dec. 31 last, and Mr. Cory and Mr. Hutchinson on the other, Mr. Mead acquainted the Board that Mr. Dodd, who had promised to assist him, is fallen ill, and desired further time for hearing; to which Mr. Hutchinson agreed, only further desired that in the meanwhile Mr. Mead may be directed to communicate to him such papers as he intends to make use of in proof of the facts set forth in the petitions. Ordered accordingly, and that all parties attend on Tuesday.

Order of Council, Jan. 1st, upon the petition of Mr. Cory read and directions given for preparing a representation thereupon. [C.O. 391, 14. pp. 267-275; and 391, 96. Nos. 2, 3.]

Jan. 6.

**14.** Minutes of Council of Barbados. Lt.-Col. Thomas Maxwell took the oaths appointed as Member of the Assembly for Christchurch. Members of Council sworn.

William Gallop, James Vaughan and Major Thomas Ince were sworn in the Commissioner of the Peace.

It being ordered the last Council Day that Col. Frere's Regiment should come down to guard the town after the Town Regiment had done their duties, the said order is now counter-

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manded, there being no occasion for them, and that there be two constables and a double watch every night to guard the town till further orders, and that the Justices of the Peace take care to see the same performed.

50*l.* 6*s.* 3*d.* paid to Capt. John Heywood for money spent on the fortifications.

It being very necessary that the welfare of this Island should, at this juncture, be speedily considered of, ordered that letters issue to the absent Members of this Board, and likewise to all the Field Officers to meet as a Council of War at the Council Chamber in James Fort on Monday.

Ordered that the Judges' Commissions for the several Courts be forthwith drawn out.

H.M. Governor of Jamaica being daily expected to call here in his way to that Government, resolved that the Members of this Board upon appearance of a flag at the top mast head will immediately repair to the Councill Chamber in order to his reception. Ordered that upon his arrival in the Rhoad the Secretary attend him and acquaint him that the Lord Grey is returned for England, and that the President and Council, as soon as they can get together, will be ready to wait upon H.E. [C.O. 31, 6. pp. 112-114.]

Jan. 8. 15. Order of King in Council. Approving the representation of Dec. 12, 1700, concerning the administration of Justice in Barbados, and ordering that the Governor or Commander-in-Chief of Barbados be strictly admonished to a constant care and watchfulness that Justice be administered on all occasions according to H.M. orders already signified to them, as is proposed by the representation. And the Lords Commissioners for Trade and Plantations are to write accordingly. *Signed*, John Povey. *Endorsed*, Recd. 12th, Read Jan. 20, 170 $\frac{1}{2}$ .  $\frac{3}{4}$  p. [C.O. 28, 6. No. 28; and 29, 7. p. 459.]

Jan. 8. 16. Order of King in Council. Approving of the two Acts of Barbados, Oct., 1699 and Nov. 5, 1700, for paying Governor Lord Grey 2,000*l.* currant money and 2,000*l.* sterl., in accordance with representation of Dec. 12, 1700 (q.v.) *Signed*, John Povey. *Endorsed*, Recd. 12th, Read Jan. 20, 170 $\frac{1}{2}$ . 1 p. [C.O. 28, 6. No. 27; and 29, 7. p. 460.]

Jan. 8. 17. Order of King in Council, referring enclosed petition to the Council of Trade and Plantations for their opinion. *Signed*, John Povey. *Endorsed*, Recd. 5th, Read March 6, 170 $\frac{1}{2}$ .  $\frac{3}{4}$  p. *Enclosed*,

17. i. Petition of Caleb Heathcote to the King. In the name of the inhabitants of Westchester prays H.M. to bestow an escheat of 110 acres of land fallen to the King in this place by the death of Thomas Williams, towards the maintenance of their Minister. *Signed*, Caleb Heathcote. *Copy*. 1 p. [C.O. 5, 1047. Nos. 37, 37.i; and 5, 1119. pp. 77, 78.]

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Jan. 8.  
Whitehall.

**18.** Council of Trade and Plantations to the King. In obedience to your Majesty's Order in Council of the 1st instant, upon the petition of Mr. Joseph Jory, Agent for the Island of Nevis, praying that 600 matchlock barrills, which did belong to your Majesty's Forts there, and are now sent home by the Lieutenant Governour and Assembly of that Island, may be received into your Majestys Stores in the Tower of London, and that instead thereof a sufficient number of firelock arms may be forthwith delivered for a supply to the said Forts, We humbly report to your Majesty that by the accounts communicated to us by the principal Officers of yr. M's Ordnance, we find that there have been 550 matchlocks sent to the Leeward Island since yr. M.'s accession to the Crown, and other numbers of the like arms formerly; And whereas such matchlocks are generally not so serviceable as firelocks, and more particularly dangerous in marches through a Country full of sugar canes, We humbly offer that the Board of Ordnance may be directed to receive the foresaid 600 matchlock barrills, and in lieu thereof to deliver to Mr. Jory the like number of firelocks, to be forthwith sent by him to the Island of Nevis for yr. M.'s service in the defence of the said Island, which we humbly conceive to be very requisite in this present conjuncture. *Signed*, Stamford, John Pollexfen, Ph. Meadows, Abr. Hill, Wm. Blathwayt, Mat. Prior. [C.O. 153, 7. pp. 333, 334.]

Jan. 8.  
Kensington.

**19.** Order of King in Council. Approving the foregoing representation and directing the Board of Ordnance to act accordingly, and to return an estimate of the charge. *Signed*, John Povey. *Endorsed*, Recd. 13th, Read Jan. 20, 1702.  $\frac{3}{4}$  p. [C.O. 152, 4. No. 78; and 153, 7. pp. 377, 378.]

Jan. 8.  
Fort William  
Henry.

**20.** Minutes of Council of New York. Present: the Hon. John Nanfan, Abraham Depeyster, Samuel Staats, Robert Walters, Thomas Weaver, William Atwood. Salaries paid to Lt.-Gov. Nanfan, C. J. Atwood, S. Broughton, Att. General, and other officers.

Petition of Samuel Denton read. Ordered that Edward Antill have notice thereof, and give in an answer with all convenient speed.

Petition of Luycas Kerstead, son of Sarah Rooletts, decd., Johannis Kipp and William Teller, sons-in-law of decd., and all executors of the will of their said mother, read, and ordered that the will of said Sarah Kerstead and the deeds from the Indians in the said petition mentioned be produced to this Board before any order be made thereon.

Petition of Capt. Jacob Mauritz, praying a reward for pilotting H.M.S. *Deptford* from New York to Sandy Hook, was read, and the Governor and Council are of opinion that the satisfaction of matters of this nature properly belonging to the office of the Admiralty in England, he ought there to apply for the same, but it being alleadged that the Petitioner in order to his application as aforesaid having obtained a certificate of his

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said service from the Commander of the ship, which he had delivered to the Earl of Bellomont, who was pleased to promise to take care therein, and the said certificate not being since to be found amongst his Lordship's papers, it is hereby recommended to Petitioner to make oath before the Chief Justice of his delivery of the certificate, together with the contents thereof, and this Board, on his so doing, will take further care of the premisses.

Petition of William Le Coute read, praying a recompense for the damages done to his house let by his Attorney whilst he was at the West Indies, to Anthony Rogers, Chyrurgion of H.M. Fort, who used the same for an hospital for the use of soldiers belonging to the said garrison. Committee appointed to view the same and report.

52<sup>l</sup>. paid to the Lt.-Gov. in lieu of so much expended by him for house-rent for himself during the time the Earl of Bellomont was resident in the Fort. [C.O. 5, 1184. pp. 599-601.]

Jan. 8.  
Whitehall

**21.** Journal of Council of Trade and Plantations. Representation upon Mr. Jory's petition, Jan. 1, signed.

Letter from Mr. Secretary Hedges, Dec. 10, with enclosures from the Massachusetts Bay, read. Directions given for preparing a Representation thereupon.

Letter from Col. Romer, Boston, Aug. 8 and Oct. 16, 1701, read. Directions given for inserting some part thereof in the aforementioned Representation.

Letter from Mr. Levingstone, Aug. 22, letter from Lt.-Gov. Nanfan, Aug. 21, and petition from Peter Schuyler, etc., for arrears due, read. The matter in the petition not lying before the Board, ordered that it be sent to Mr. Lowndes.

A Memorial from Mr. Morris, in answer to Mr. Dockwra's complaints against Col. Hamilton, was laid before the Board.

Jan. 9.

Ordered that the Secretary write to the Dep. Governor of the Hudson's Bay Company [*as in following*].

Directions given for preparing a Representation upon the general state of defence of all H.M. Plantations. [C.O. 391, 14. pp. 276-279; and 391, 96. Nos. 4, 5.]

Jan. 9.  
Whitehall.

**22.** William Popple to the Deputy Governor of the Hudson's Bay Company. The Council of Trade and Plantations desire the Hudson's Bay Company would lay before them whatever they may think fit to offer in relation to the Trade and security of that place at this time. [C.O. 135, 3. p. 102.]

Jan. 9.  
Whitehall.

**23.** William Popple to William Lowndes. Enclosing a copy of the petition of Peter Schuyler, Robert Livingston and the Widow van Courtland [see *Cal. A. and W.I.*, 1701. Aug. 22] to be laid before the Lords Commissioners of the Treasury. [C.O. 5, 1119. p. 62.]

Jan. 10.  
St. James's  
House.

**24.** Minute of Proprietors of Carolina. The Rt. Hon. John Earl of Bathe, fourth Palatine of Carolina, dying on Thursday, Aug. 21, 1701, there was no meeting of the Proprietors till Jan. 10,

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1702, when at their Board the Hon. John Granville, Esq., being the eldest in years of the Lords Proprietors, succeeded the said Earl, his father, and was admitted the fifth Palatine of Carolina. *Present*: Hon. John Granville, Palatine, George Lord Carteret, Maurice Ashley, Sir John Colleton, Bart. James Griffiths was appointed Secretary to the Board. [This is the first entry after Dec. 20, 1699. *Ed.*] [C.O. 5, 289. p. 82.]

Jan. 12.  
Bermuda.

**25.** Governor Bennett to Mr. Popple. Pray please to lay before the Board the enclosed duplicate of Dec. 17 last, and acquaint them that since my last Mr. Jones, the Sheriff, has been indicted on one of the Articles I some time since sent over from the Assembly, it being for perjury, of which he is found guilty, and several other Bills are brought against him which will be tried this week. *Signed*, B. Bennett. *Endorsed*, Reed. 17th, Read April 27, 1702. 1 p. *Enclosed*,

25. i. Governor Bennett to the Council of Trade and Plantations. *Refers to enclosures.* I have done what I can in case of a war to make this place defenceable by throwing up trenches along shore, where it's possible for men to land, and have ordered the Company of Foot that's here to be practised in the Granadeer exercise, but I have but 40 grenade shells. As for the Militia, I have taught them so much the use of their arms, that I doubt not but on occasion to find them very serviceable, and will make it my constant endeavour to improve them. They are in number 750. Here are also 600 slaves in these Islands, which when I find a necessity upon me, I intend to arm with lances, and may do good service when we come to stop an enemy. The works of the fortifications are repaired, so that if the supply desired of great guns were granted, this place, I hope and doubt not, but would give a good account of itself, in case we should be attackt. I desire I may not suffer in your Lordships' opinions, that I have not sent over transcripts of the Laws now in force here, the Secretary having but two clerks, and them but indifferent ones, to dispatch the whole business of these Islands, but as soon as they can be completed, I'll send them over, and what else is required of me by my instructions. *Signed*, Ben. Bennett. *Endorsed*, Reed. 17th, Read April 27, 1702. *Duplicate of letter of Dec. 17, 1701, sent by Capt. Dudley of the Guinea Merchants.* 3 pp.

- 25. ii. Abstract of preceding. 1 $\frac{1}{4}$  pp.
- 25. iii. Copy of letter from Governor Bennett to Governor Hasket. Bermuda, Aug. 11, 1701. Recommending Capt. Walker to him. *Signed*, B. Bennett. *Endorsed*, Reed. April 17, 1702.  $\frac{1}{2}$  p.
- 25. iv. Governor Bennett to Gov. Hasket. Bermuda, Sept. 12, 1701. It is generally reported that you've lately seized a sloop belonging to this place, called the *Seaflower*, and by torturing the men, obliged them to own that about

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three years since they raked salt at Turks Islands, on which confession the ship is since condemned. Which pyrate-like usage I know not how to believe, therefore desire to be satisfied from yourself, and whether you have any particular pretension to Turks Islands. If the above story be true, assure yourself I will make all the interest I can in England for satisfaction, and leave the resentment of your broken faith to me till a further opportunity. (For we agreed to be kind to masters of vessels belonging to each other's Governments.) *Signed,* B. Bennett. *Endorsed as preceding.* *Copy.*  $\frac{3}{4}$  p.

25. v. Copy of remonstrance of the people of New Providence against Governor Hasket. Oct. 6, 1701. *Endorsed as preceding.* *Copy.* 1 p.

25. vi. (a) Copy of address of the General Assembly of Bermuda to Governor Bennett and Council recommending the uniting the Bahamas to the Government of Bermuda. Nov. 22, 1701.

25. vi. (b) Copies of papers relating to the seizure of the Bermuda sloop *Seaflower* at Providence by Captain Hasket. (1) Copy of Governor Hasket's Commission to John Warren of the *Mary* sloop, to seize and destroy all pirates and also "to examine all foreigners or aliens as you shall meet with in this Government either making of oil, cutting of brazeletto or fustwick wood, cedar, or any other timber, travelling the Bay for ambergrise, raking or loading of salt or making any other advantages contrary to the Laws of this Government, except necessary wooding and watering, not having license and permit for the same, them to bring with their vessels to this Fort to be condemned or acquitted according to Law," etc. May 26, 1701.

(2) Application of John Warren, Commander of the *Mary*, for the trial of the *Seaflower*, seized by him June 24, 1701, in the East Harbour of the Caccasess, whereas the said sloop, belonging to Bermudas did in 1699 or thereabouts, Israel Brownlow then master, "not having any permit from the then Governor of these Bahama Islands for the same, rake in the pond (and take on board) a large quantity of salt at an Island called Turks Island, one of the Lucaios or Bahama Islands, belonging to the true and absolute Lords and Proprietors of the aforesaid Island, in the aforesaid sloop for Bermudas, all which was and is contrary to their Lordships' instructions and an Act of Parliament made assented and holden in this Island *for excluding all persons* that are not inhabitants in the Leucaios Islands from the privileges and benefits hereafter named, [whereby] it is amongst other things enacted that no person inhabiting or belonging to any other place, not within the limits of the Leucaios Islands, shall have permission to cut any wood or timber, or rake

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any salt, make any oil, gather ambergreens, spermacitti, tortoiseshell, work on any wrecks or take up any drift or wreck goods within any the limits aforesaid on the penalty of forfeiting vessel and goods." *Signed*, Jno. Warren. New Providence.

(3) Deposition of John Graves, H.M. Collector of the Bahama Islands. At a Court of Admiralty begun in Nassau, July 4 and adjourned to July 7, 1701, and then ended, for the trial of the *Seaflower*, William Tucker, Commander, Governor Haskett appeared in Court and asked the Marshall for the list of the Jury, and with his own hand dashed out whom he pleased, and bid Capt. Cole, a Commander of a vessel from London, go out of Court and hindered him from being of the Jury, and made his brother-in-law, Capt. Benjamin Pickman, Commander of a vessel supposed to be the Governor's, foreman of the Jury, and sent for his Instructions from the Lords Proprietors and told Patrick Davidson, Tucker's Attorney, in Court that he should not see his Instructions farther, and his Instructions mentioned that he should take care of the tenths of salt raked at Turks Islands, and that part was not writ with the same inck, and looks as if interlined. After the Jury was impanelled, the Judge asked the Jury if they were agreed upon their verdict. Mr. Tucker answered that they had not been out. After the Jury went out, the Judge, Mr. John Doggit said, Let the Jury bring in what verdict they will, he would condemn the sloop, and accordingly he did condemn her, July 7, 1701.

(4) Deposition of John Shiriess. About June 30, 1701, he was at the house of Col. Read Elding at night in Providence Town, at which time was Governor Haskett examining John Caverlee (see *Cal. A. and W. I.*, 1701). He heard Hascutt say that if John Cauverley would not declare such matters as he asked of him about the *Seaflower*, he would immediately either shoot him or hang him on Col. Elding's gate, and thereupon a rope was immediately brought, and much threatenings. Cauverley begged his life, and he would say somewhat of those matters was proposed to him against the *Seaflower*, himself and company, all which was by compulsion and through fear. Presently Governor Hascutt committed him and two more of the sloop's company to prison in the fort, and ordered that no soul whatsoever should come near them, neither gave he any mittimus for his so doing. Deponent was then Commander of the Guard in the Fort where they were committed, and was held prisoners several days. *Signed*, John Shiriess.

(5) Deposition of John Coverley, mariner, Oct. 28, 1701. Sworn before Governor Bennett. Describes the seizure of the *Seaflower* by Capt. Warren, her trial, and

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his intimidation by Gov. Hasket at Bermuda. *Signed*, John Coverly. [See *Cal. A. and W.I.*, 1701.]

(6) Deposition of William Tucker, jr., as to the same. *Signed*, Wm. Tucker, jr. [See *Cal. A. and W.I.*, 1701.]

(7) Deposition of George Tucker of the *Seaflower*, attesting the truth of the preceding. *Signed*, George Tucker.

(8) Deposition of Matthew Whitter, mariner, of the *Seaflower*, attesting to the truth of preceding, and the Governor's intimidation of himself as witness. *Signed*, Matthew Whitter.

(9) Deposition of Thomas Walker, sometime Chief Judge of the Admiralty for the Bahama Islands. Bermuda, Aug. 9, 1701. About Jan. 1701, some time after the sloop *Elizabeth*, Thomas Attwood, Master, from Bermuda, was seized in the Port of Providence by John Graves, Collector, for importing one piece of wool and cotton stuff from Bermuda, it appeared on oath before me in the Court of Admiralty then by me holden, that the then Deputy Governor, Read Elding, and John Graves had remaining in their custody sundry months before the said seizure, the new Act to prevent the exportation of wool out of England, etc., but the said Act was never before the said seizure made published in Providence. When Thomas Attwood petitioned for a hearing before me, I required Graves to produce the said Act in the Court of Admiralty, but he contemptuously refused. It was proved before me in the said Court that upon Attwood's praying Mr. Graves to prosecute his seizure in one Court or another, he vexatiously told him his vessel should lie in the Road and rot under his seizure. *Signed*, Thomas Walker. *The whole endorsed*, Reed. April 17, 1702. 20 pp.

25. vii. Minutes of Council of Bermuda, June 27, July 1, July 22, Aug. 4 and 11. *Endorsed as preceding.* 3½ pp. [C.O. 37, 3. Nos. 63, 63.i.-vii. ; and (with enclosed letter only) 38, 5. pp. 201-207 ; and (duplicates of i., iii., iv., vi.) 37, 25. Nos. 68, 68.i., 69, 70, 71.]

Jan. 12. Whitehall.

**26.** Earl of Manchester to the Council of Trade and Plantations. I desire you will please to direct an account to be sent me of what Ordnance Stores and Artillery have been demanded, the last year, for the defence of the Plantations, what quantities of them have been sent to the several places, and what further provisions of that sort are asked as necessary for their present occasions, that I may lay a distinct account thereof before the King as soon as conveniently may be, as I have received H.M. commands to do. *Signed*, Manchester. *Endorsed*, Reed. 12th, Read 13th, 1702. 1 p. [C.O. 323, 3. No. 109 ; and 324, 8. pp. 28, 29.]

Jan. 12. Whitehall.

**27.** Journal of Council of Trade and Plantations. Order of Council, Dec. 18, 1701, relating to the method of appealing

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from the Courts of Admiralty in the Plantations read. Directions given for preparing a circular letter to the Governors of Plantations accordingly.

Orders of Council, Dec. 21, 1701, repealing and confirming some Acts of Nevis, read. Notice ordered to be given to the Governor of the Leeward Islands.

Jan. 13. Letter to the Lords of the Treasury to mind them of the arrears due to this Office signed.

Letter from the Earl of Manchester, Jan. 12 [*preceding*]. Their Lordships thereupon resolved to proceed to-morrow on the Report already under consideration relating to the defence of the Plantations.

Memorial from Mr. Hutchinson, in answer to the petitions of Messrs. Mead and Shipman, laid before the Board and part thereof read. Mr. Mead attending on one side with Mr. Dodd, in reference to the said petitions, and Messrs. Hutchinson and Cary, with Sir Thomas Powis on the other, Mr. Dodd insisted that the proceedings in the case of the two Plantations in Nevis [see *Cal A. and W. I.*, Dec., 1701] were irregular and unwarrantable, more particularly setting forth the loss Mr. Mead is like to suffer in his stocks and sugar canes, and prayed that he be restored to possession. Sir T. Powis answered that the insinuation in Shipman's petition as if Col. Codrington had favoured Herbert, who brought the writ of ejectment against Mead, and designed to have the Plantation for himself, is utterly false and malicious, and that there was no manner of proof offered for it. But on the contrary he offered the testimony of one Mr Cary, who having lived several years in that Island, and being lately come from thence, declared to the Board that he never heard any such report there. In answer to the suggestion in the petition, that this suit in Herbert's name was stirred up by Col. Codrington, he answered and shewed by several copies of the Records of the Island, that the suit was begun in 1686, that there was a judgment given in it in 1688; after which the war following, there was some stop in the proceedings, but that they were again renewed in 1695, and that this very declaration in ejectment, which is the occasion of the present complaint, was brought by Herbert before Col. Codrington's arrival there. As for Col. Codrington's sitting on the Bench (however unreasonable such a practice does seem) yet he shewed that it has been the practice of former Governors, Sir Wm. Stapleton, Mr. Russel, Sir Nathaniel Johnson, and others. As to the constituting a Guardian for the Minor, he shewed that according to the custom of that Island, it was a thing that ought not to have been demanded of the Court, but of the Governour himself, and argued that the refusal of it was no prejudice to Mr. Mead or Mr. Shipman, who are persons that understood the case, and might have offered whatever they thought fit in the Minor's behalf. As to Mr. Mead's appeal from the sentence in the Inferior Court to the Governor in Council, which Mr. Cole had writ was not heard Oct. 24 last, Sir Thomas produced copies of the Records of the Island, certified under the hand of the Secretary, proving that it was actually heard

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by the Governor Sept. 6 last, and the judgment of the Inferior Court affirmed; upon which Mr. Mead's Agents had again appealed from that judgment to H.M. in Council here, where the merits of the cause would in course come regularly on to be tried. Mr. Dodd desired their Lordships to consider that the turning Mr. Mead out of possession the very next day after sentence, notwithstanding his appeal, was a great hardship, and prayed that he be restored.

Jan. 14. Mr. Thurston was granted copies of the complaints recently transmitted from Newfoundland.

Mr. Brian Mortar laid before their Lordships a new Commission for this Board under the Great Seal, Jan. 8, wherein the name of Mr. Hill is left out, and the name of Mr. Cecil inserted.

Directions given for preparing a letter to the Earl of Manchester in answer to his of Jan. 12. [C.O. 391, 14. pp. 279-288; and 391, 96. Nos. 6-8.]

Jan. 13. **28.** Minutes of Council of Barbados. Order from the Lords Justices [Sept. 16, 1701] read that Thos. Symock [Simcocks?] be admitted to his Appeal from a sentence of condemnation given against the *Rebeccah of Galloway* and her cargo in the Court of Admiralty in Barbados, and that authentick copies of all proceedings thereon be transmitted. Ordered accordingly. [See *Acts of the Privy Council, Colonial Series*, Vol. II, pp. 376, 377.]

237*l.* 11*s.* 11*d.* paid to Latimer Richards for work done and disbursements on St. James Fort.

18*l.* 18*s.* 1½*d.* paid for work done at the Magazine.

Ordered that all masters of vessels arriving at this Island do forthwith attend the President and pay their duties to him, wherever he is, before they be admitted to enter, all former orders on the subject being rescinded. The President was desired to receive all letters for H.M. service and to open them, in order to summon a Council, if he see occasion.

Ordered that the Members of Council who are officers in the Militia, in case of alarms, repair to their several posts, and that those who are not, forthwith repair to the Council Chamber in James Fort to attend the President or his order. The President was desired and empowered to sign and seal all the Commissions and have the care and directing of the Militia as the Commander-in-Chief till further order.

Ordered that on alarms or other sudden occasions, the Council be summoned by the President with all speed to some convenient place, and that till they can be assembled, the President is empowered to issue such orders to the several Colonels and other officers as shall seem most safe to him for the good of the place.

All persons in the Commission of Peace ordered by Feb. 20 at farthest to attend the President and Council, or President alone, to take the oaths, and those who do not so attend shall have no privilege as Justice of the Peace.

Petition of Mary Lyte, wife of Edward Lyte, fisherman, read, praying that she might have some consideration for discovering the late negro plot. It's the opinion of the President and Council

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that she well deserves a reward of 20*l.* at least for her service, and they desire the concurrence of the Assembly herein.

Ordered that 500 barrels of powder be moved out of the Magazine and placed in the several Forts, and that the Commissioners of Fortifications prepare fit places for it therein.

There being six guns upon carriages belonging to the country at the Plantation where H.E. lived, ordered that they be removed thence, and placed in some convenient place, in order to set forth an alarm, one at Col. Leslie's Hill, one at Col. Ramsay's and one at Brigg's Hill; the other three to be placed at some convenient place to leeward as the President shall think fit. Ordered that no person presume to fire any guns bigger than musquetts or fuzees within the land, except in case of alarm, under the penalty provided by an Act.

Richd. Elliott received his Commission continuing him to be Chief Judge of the Court of Common Pleas for the precinct of Christ Church, and took the oaths appointed.

The Commission of James Colleton for the Court of Common Pleas for the precinct of St. Michael's signed, and the President was desired to administer the oaths to him, he being absent and the time for holding the Court nigh at hand.

Henry Applewaite and John Summers were sworn in the Commission of Peace. [C.O. 31, 6. pp. 115-121.]

Jan. 13. **29.** Journal of Assembly of Barbados. Richard Rycroft, Representative for the parish of Christ Church, being dead, Thomas Maxwell was elected in his stead and was received as a Member.

Bill for appointing watches in the respective towns was brought in and read.

Petition of Samuel Cox read and referred to a Committee to enquire into the allegations therein contained.

Petition of Nicholas Baker, merchant, read and referred to a Committee to enquire into the allegations therein contained.

Petition of Paul Carrington read and ordered to be considered at the next Session.

Petition of Michael Wyner, Henry Vangent, and John Henry Noiring for leave to bring in a Bill for their naturalisation, granted.

Jan. 14. Bill for appointing watches read a second time.

It was moved by a Member of the House that a vessel be fitted out for the service of this Island. Committee appointed to contract for one accordingly.

Resolved, that Mr. Speaker do move the President and Council, (1) that the meetings of the several Companies be every week for exercise for four times, commencing from next exercising day; (2) that the several Colonels be desired to take a review of the stores and arms; (3) that powder and shot may be forthwith ordered to the respective Colonels for the use of the poor people; (4) that a sufficient number of small arms be delivered out of the magazeen to the Colonels to be distributed among the poor people that want them by the Captains, in case of alarms, who are to be accountable for them; (5) that the great guns appointed in case of alarms may be put upon hills, as the Act directs.

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Whereas complaint has been made by a Member of this House that the Records of this Island in the Secretary's office are not kept in such safe manner as is necessary, Resolved, that the Secretary be required to give good security for the safe-keeping the said Records, and that he provide a more secure and convenient place for the keeping the said Records.

Resolved that due enquiry and consideration be had in this House of the Secretary's requiring and demanding ninepence or twelvepence per head for every new negro shipt off this Island, before he will grant a ticket for more than one negro.

An Act to raise and provide a further strength of labourers to clear the trenches and repair the breast works and fortifications, read the first time.

Petition of Mary Lyte read, and the opinion of the President and Council was that the Petitioner well deserves a reward of 20*l.* sterl. for discovering a late conspiracy of the negroes against the Inhabitants. Ordered accordingly. [C.O. 31, 6. pp. 444-446.]

Jan. 14.

**30.** Mr. Hutcheson to Mr. Popple. Encloses copies of proceedings at Nevis and Antegoa. Summarises reply to complaints against Col. Codrington; (1) the Petitioners alledge a quiet possession in Mr. Mead and the Harveys for many years past, and mention the title of Mr. Herbert as if he had never stirred in it till encouraged after Col. Codrington's arrival in the manner scandalously suggested by Mr. Shipman without offering the least proof to colour so great an imputation. It appears by the proceedings that Herbert has been suing for the Plantation since 1686, and (2) that defendants have constantly avoided coming to a fair trial of their title. The father of the Minor Harvey rather then run the hazard of a jury, chose to let judgement pass against himself, and the Minor escaped a jury by an illegal admittance of his especial plea, and that too a very false plea, so that by trick and management, to say no worse, Herbert is neither allowed a fair trial nor the benefit of a judgment regularly obtained, but in the course of several years opprest by the interest of his potent adversaries. If this be not, there never can be a case, wherein a good Governor ought to interpose his authority and take effectual care that the course of Law and Justice be not stopt on frivolous pretences. (3) From the said proceedings it appears that Sir Nathaniel Johnson, a former Governor, did sit himself as Chief Judge of the Court of Nisi prius, and Mr. Martin, who appeared yesterday as a witness for Mr. Mead, did acknowledge that Sir William Stapleton had done the like, and Mr. Cary did attest that Sir Charles Wheeler and Governour Russell had likewise done so, and there is no fact relating to that part of the world more notoriously known then that the Chief Governours have at their pleasure appointed Judges, or sat themselves as Judges, of this Court, although there was an Appeal from that Court to them in Council; that how improper soever, the usage has been so, and I presume it cannot be pretended that Col. Codrington's sitting in this Court when he had appointed another Judge was more prejudicial to Mr. Mead than if he

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himself had sat as Judge, which according to the practice of his predecessors it is not denied he might have done. (4) As to the Court's refusing to appoint a guardian to the Minor Harvey, it is a groundless complaint, there not being one single instance where ever any Court in the Leeward Islands appointed a guardian for a particular purpose. Guardians have never been appointed save by the Governor. (5) As to the refusing an appeal in the Minor's name, there is no instance of any writ of error allowed in England in the like case, and no instance where an appeal was allowed in the Leeward Islands in a judgment granted against the Casual Ejector, except the appeal now allowed to Mr. Mead. (6) As to the granting a writ of possession the next day after judgment, there is no proof produced with regard to what is alleged against Col. Codrington's conduct. (7) As to Col. Codrington's conduct in Court, I presume the opinions of Mariner Moulton and Solicitor Cole will be esteemed no evidence, and as to the expressions which they particularly swear to, they are such as well became a good Governour to use, who was not willing to suffer a poor man to be any longer oppress'd by the unreasonable delays of a wealthy and potent adversary. (8) As to the designed delays complained of against Col. Codrington in hearing Mr. Mead's appeal, I offer as satisfactory answer the copy of proceedings attested under the hand of the Secretary of Antigua, by which it appears that no delay was given by Col. Codrington and that the appeal was actually heard Sept. 6. As to Mr. Freeman's complaint (1) as to one moiety of the Plantation there is no foundation for it, his Agent not pretending to have been in possession thereof or turned out therefrom. (2) As to the other moiety, Mr. Freeman has produced no proof on oath of what he alledges of the proceedings of the Justices or the conduct of Col. Codrington on the application of his Agents. (3) Even allowing Mr. Pogson's letters to be evidence, yet it nowise appears that Col. Codrington had taken possession as is alledged, but the contrary, for Mr. Pogson, in all his letters, says that he was still in possession.

As to Col. Norton's petition I need say little, being now dropt by those who preferr'd it; and 'tis pritty evident that it was never intended to serve any other end but that of a seasonable clamour, as perhaps it was thought, against Col. Codrington.

*Signed, Arch. Hutcheson. 4 closely written pp. Enclosed,*

30. i. Minute of Council of Antegoa. St. John's. Sept. 6, 1701. Upon hearing the errors assigned by Mr. Mead against the judgment of an Inferior Court in the cause between him and Thomas Herbert, the judgment was affirmed. Mr. Jeffery Keck, Attorney for the Terr-tenant prayed an Appeal, which was granted.  
*Copy. 3 pp. [C.O. 152, 4. Nos. 79, 79.i.; and (without enclosure) 153, 7. pp. 367-377.]*

[Jan. 14.] 31. William Penn to William Popple. Esteemed Friend, I am informed by the Attorney General of the Laws lying before him that concern our Province, and that two or three queries

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came with them, whch. I have also perused. I beg that the Lords Commissioners may know, first, that the Laws sent were the same that the Solicitor General had reported in favour of before my goeing for America, and next, that these sent are re-enacted with an addition of 30 or 40 Laws more past at Philadelphia just before my embarkment, which in my opinion will render this present inquiry not so necessary, to be sure the last of it, which I thought became me to intimate to thee, and had myself to the Lords, if a sore leg had suffered me to have waited on them. I am with due regards, thy assured and affecate. friend. *Signed Wm. Penn.*  
*P.S.—I would be glad to know if the Lords [? will suspend—Ed.] their inquiry till the Laws come, which were to follow with the first.*  
*Endorsed, Recd. 14, Read Jan. 15, 170 $\frac{1}{2}$ . Holograph. 3 small pp.*  
*[C.O. 5, 1261. No. 41; and 5, 1289. pp. 330, 331.]*

Jan. 15.  
Whitehall.

**32.** Council of Trade and Plantations to the Earl of Manchester. We send an account of stores and provisions of war sent to the Plantations since Dec. 12, 1700, etc (see Jan. 12). The demands herein made we conceive to have been made only in view of a present defence against a surprize. But in case of war, we are of opinion that a greater quantity of stores and materials will be wanting in every one of H.M. Plantations, and that in the chief and most considerable of them it will be necessary that there be magazines of stores, as well for the defence of each respective place and of their neighbouring Colonies, as for annoying the enemy, who will be very watchful and active to take advantage against any of H.M. Plantations, which in this conjuncture are of so great importance to the welfare of England.  
*Signed, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. Annexed,*

32. i. List of Stores, etc, demanded as necessary for the present defence of the Plantations. (1) *Newfoundland*: Materials are wanting for building the Forts there, whereof Col. Richards has sent an account to the Office of Ordnance.

(2) *Massachusetts Bay*: desire in general that H.M. would be pleased to send them cannon, small arms and other stores of war for H.M. fortifications, and some ships of greater force for the preservation of their coast. Mr. Romer, the Engineer there, asks in a more particular manner for the new fortification on Castle Island, 150 men, with a good Commander and other subordinate Officers, 50 cannon of 24 to 18lb. ball, 2 mortars, granadoes and bullets in proportion, 4,000 hand granadoes with their fuzees, 600 firelocks, 400 heads for half pikes, two Master Gunners and one Bombardeer.

*New York*: We have no new demand from thence, since the stores mentioned in the enclosed list were sent.

*Bermuda*: Stores have been sent thither according to the enclosed list as demanded by the Governor.

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*Bahama Islands*: The Governor has desired 30 men for the defence of the Fort, which we conceive the Proprietors ought to take care of.

*Jamaica*: The stores mentioned in the enclosed list were sent with Brigadier Selwyn.

*Leeward Islands*: *Antegoa* desires 12 guns for a small fort, 20 long sakers, 5 or 6 guns for a small platform. *Nevis* have lately sent hither 600 matchlocks, which have been changed for the same number of firelocks. They further desire 4 long sakers, six guns 12 pounders, six 18 pounders, a sufficient quantity of shot fit for them, 500 saker shot, for the guns already there, 20 barrels of cannon powder. They represent in general that the battlements and platforms want repairing, and that the carriages are greatly out of order.

*Barbados*: Upon the Governor's coming to town, who we hear is arrived on the coast, we shall be able to see what they want, as we have by letter demanded of him. [C.O. 324, 8. pp. 29-34.]

Jan. 15. **33.** Mr. Secretary Vernon to the Council of Trade and Whitehall. Plantations. The King has been pleased to appoint Mitford Crowe to be Governor of the Barbados, which I acquaint you with by H.M. command, that you may give the necessary directions for preparing his Commission and Instructions accordingly. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read Jan. 16, 170 $\frac{1}{2}$ . 1 p. [C.O. 28, 6. No. 29; and 29, 7. p. 453.]

Jan. 15. **34.** Journal of Council of Trade and Plantations. Letter Whitehall. to the Earl of Manchester signed.

Letter from Col. Quary, Philadelphia, Oct. last, desiring that any resolutions relating to the affairs of Pennsylvania may be suspended till his arrival here, read. Their Lordships resolved accordingly to wait some while.

Letter from Mr. Penn to the Secretary of this Board to acquaint their Lordships that the Acts of Pennsylvania passed at Newcastle, which are now in the Attorney General's hands, have been re-enacted at Philadelphia with an addition of 30 or 40 new ones; and that they are in that manner to be speedily sent over hither; whereupon, he also offering that the consideration of those already here may be suspended till the arrival of these last, their Lordships agreed that he be acquainted that they will suspend their resolutions for some reasonable time, and ordered withal that he be directed to give effectual orders, if not already done, that the said last Acts be transmitted hither without delay.

Letter from Gov. Blakiston, Aug. 2, read, and the account of arms, etc., therein referred to, laid before the Board.

Mr. Merit waiting upon the Board in reference to the affairs of Newfoundland, their Lordships communicated to him the agreement made there by Capt. Richards with certain masters of ships for transporting thither materials for the works, etc.

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Whereupon he declared that he had himself two ships designed thither, in wh. he offered to transport about 150 tons. Letter to the Board of Ordnance ordered to be prepared that they may treat with him, and their Lordships thought not fit to write to other merchants as had been ordered Jan. 6.

Letter from Lt.-Gov. Nanfan Oct. 20 read, and the papers therewith transmitted laid before the Board.

The Secretary wrote to the Dep. Governor of the Hudson's Bay Co. to press for an answer to a former letter of Jan. 12.

Their Lordships made some progress with the draught of a Representation upon the State of Defence of the Plantations.

Jan. 16.

Mr. Mitford Crowe presented a letter from Mr. Secretary Vernon [*see preceding*]. Directions were given accordingly.

Two Members of the Hudson's Bay Company, with their Secretary, acquainted the Board that, in pursuance of the letter to their Dep. Governor, the Company are preparing a state of their affairs, which they hope will be ready to lay before their Lordships on Tuesday.

Mr. Hodges, applying for a copy of the late Representation upon his complaints, was referred to the Council Office.

Letter to the Board of Ordnance signed and ordered to be sent to Mr. Merrit.

Order of Council, Jan. 1st, upon the petition of Isaac Hawkins, read, and directions given for preparing a Representation thereon. [C.O. 391, 14. pp. 288-295; and 391, 96. Nos. 9, 10.]

Jan. 15

**35.** Minutes of Council of New York. Petition of Matthew Clarkson, praying a license to purchase about 1,000 acres of land more or less situate near Demarez Creek, in Orange County, of the native Indians Proprietors thereof, granted, provided the purchase be returned to this Board within 12 months.

Committee reported that Le Coute's house [*see Jan. 8*], was damnified to the value of 40s. and two chests of tools broken open and near wholly taken away.

Patent granted to Abraham de la Noy, Sept. 18, signed.

Col. Abraham Depeyster having received an order from the honble. William Blaithwait, Auditor General of the Revenue of this Province, to adjust the account of his salary with the executrix of Col. Stephen Cortlandt, his late Deputy, had applied himself unto her in order thereunto, but that she hath refused to do the same, alleadging the impossibility thereof, the books of accounts of the publick revenue not being in her possession. Mrs. Cortlandt was ordered to appear, and was acquainted that the books of accounts had been always in the hands of the Collector, where she might have the perusal of them, when she thought fit, and that now they should be lodged in the hands of Col. Abra. Depeyster, the now Deputy Auditor, during the time that the said account was adjusting between them. Then Mrs. Cortlandt desired that the Gov. and Council would nominate some persons to be her assistants in the framing the account, and mentioned Col. Nicholas Bayard, her brother-in-law, and Mr. Matthew Ling of this City, merchants,

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Whereupon the Governor and Council do desire Col. Bayard and Mr. Ling to attend the Deputy Auditor General on her behalf at the adjusting the said account. Mrs. Cortlandt desiring an allowance for money her late husband had paid to Ducie Hungerford over and above the salary due to him for his office, the Governor and Council do also desire Col. Bayard and Mrs. Ling to attend the Deputy Auditor and the Receiver General together with Robert Walters, one of the Council, in relation to the account of moneys received by Ducie Hungerford. If they agree not, then the Auditor to be umpire.

Jan. 16.

The Governor acquainted the Council that the reason of his convening them at this juncture was that he hath been informed that several of the Inhabitants of this Province have framed papers reflecting on the administration of this Government, that several of the Inhabitants and others, together with most of the soldiers of the garrison have been prevailed on to sign the same, which they did without knowing what contained therein, being some of them informed that they should be freemen, some freemen of the City, and some freed by signing the said papers. The Council are of opinion that this matter may be of dangerous consequence to the peace of this Government and therefore ought to be further inquired into. Ordered that the matrosses of the Garrison, together with several of the corporals, serjeants and private centinels should be called into the Council Chamber severally and examined. Which being done it appeared that the papers signed were an Address to the King, an Address to the House of Commons, and an Address to the Lord Cornbury, complaining of the oppression of H.M. subjects of this Province. By some of the said oaths it appeared that Col. Nicholas Bayard and Samuel Bayard, his son, were the chief actors therein; that they in a private room, in the Coffee House of this City, had attended and offered the said papers to such persons who, by others of their accomplices, had been prevailed on to sign the same, which was subscribed chiefly by the most ignorant of the people, and almost generally without knowing the contents thereof. Others of the said Depositors set forth that John Hutchins, an Alderman and one of H.M. Justices of the Peace for the City and County of New York, who, keeping a publick house and retailing of strong liquors therein, had sent and invited the sooldiers to his house, where they should have drink free cost, every one a double tankard of March beer, and that thereon, almost all the Garrison went to the said house, had drink free cost, and after drinking were told by Mr. Hutchins that they should be Freemen of the City of New York, if they would sign the said papers, which the[y] did, not knowing or so much as inquiring into the contents, some of the soldiers setting down the name of five or six others, and one of the soldiers declared that Hutchins telling him he should be a Freeman, if he would sign some papers Hutchins produced, he signed five papers, and after signing looked the papers over from bottom to top but could see nothing but a roll (as he called it) of names. Ordered that the Messenger of the Council do summons Hutchins to appear before this Board immediately.

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He being asked for the said papers or authentick copies of them, sayd that they were brought into his house by he knew not who and that several persons had signed them there, amongst which he himself had signed, and that they were taken from thence, but by whom he knows not. He was ordered to appear to-morrow and produce to this Board the three Addresses, on the penalty that shall ensue thereon ; and that Col. Bayard and Samuel Bayard appear to-morrow at 11 o'clock.

Jan. 17.

The latter appearing were desired to produce the papers mentioned above, which refusing to do, the same (as they alledged) being out of their power, and persisting that they had done nothing that was illegal, ordered that they give in security in 1,000*l.* each, with one security in 500*l.* to appear at next Supreme Court and answer to an indictment or information to be exhibited against them at the King's suit by the Attorney General, which they did before the Chief Justice in Council, and withdrew.

Alderman Hutchins appearing and not bringing the said papers or copies with him, but alledging his wife knew more of them than himself, she was sent for and on oath declared that she received them from Col. Bayard, and gave them about two days after to a negro, but whose negro it was, or who sent the negro, she knew not. Ordered that Capt. Hutchins appear on Munday and bring the said papers or copies with him at his peril. [C.O. 5, 1184. pp. 601-606.]

Jan. 16.  
Whitehall.

**36.** William Popple to William Penn. I have communicated your letter relating to the laws of Pennsylvania to the Lords Commissioners for Trade and Plantations ; and their Lordships understanding thereby that you desire they should suspend their resolution upon those Acts, which are at present in the Attorney Generall's hands, untill the arrival of the same and some others which have been lately enacted at Philadelphia, they have ordered me to let you know that they are willing to suspend their resolutions upon the first mentioned Acts for some reasonable time and doe thereupon further direct that (in case it be not already done) you fail not to give effectual orders that the last mentioned Acts be transmitted to them with all possible expedition. [C.O. 5, 1289. p. 333.]

Jan. 16.  
Whitehall.

**37.** Council of Trade and Plantations to the Principal Officers of H.M. Ordnance. We have understood from Capt. Richards, the Engineer at Newfoundland, that the carrying on the work, intended for the security of that country and trade, is obstructed for want of materials and stores necessary for that service, and that he had endeavoured to engage the Masters of ships then there, by a writing, whereof the copy is here enclosed, to bring such quantities at their next return as each of them could conveniently, and sent home an Officer to represent the same ; which Officer we doubt not will accordingly have applied himself to your Board, and laid that matter before you. Upon our endeavours to facilitate this design, Mr. Solomon Merrit has

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offered that two ships lying in the River of Thames, bound for Newfoundland this season, shall take in about 150 tons, and that he will speak to other merchants trading thither, that they may assist in that work, and that he will write to Pool and Weymouth to know what tunnage may be depended upon there for Portland stone. We have therefore directed him to attend you with this letter that you may have the opportunity of conferring or treating with him as you shall find necessary for the advancement of so necessary a service in this important conjuncture. *Signed*, Stamford, Ph. Meadows, John Pollexfen, Mat. Prior. [C.O. 195, 3. pp. 26-28.]

[? Jan. 16.] **38.** Attorney General to the Council of Trade and Plantations.

I have perused two Acts of Antigua referred to me Dec. 4:—

(1.) An Act to enable John Fry, junr., and George Thomas to sell 240 acres in the division of New North Sound for payment of taxes and settling the maintenance of Samuel Winthrop, a Minor, April 12, 1701. This, I conceive, is agreeable to Law and Justice and doth not contain anything prejudicial to H.M. Royal Prerogative.

(2.) An Act to enable Crawford, guardian of Elizabeth Rolt, sole daughter and heir of James Rolt, to sell 130 acres for payment of debts due thereon and for the maintenance of the said Elizabeth, Aug. 11, 1701. This, I conceive, as it is penned, will destroy the title of those that claim by conveyances made by James Rolt, even for valuable considerations, if any such were made, the sale to be made by virtue of this Act being thereby made good against all claiming under Elizabeth's father. But Mr. Richard Cary, having since the making of this Act purchased the lands to be sold by virtue thereof, and the same having been conveyed to him, he hath declared himself willing to disclaim all benefit by the said Act to prejudice any right that may be claimed under the said James Rolt other than by his heirs, and hath executed a deed for that purpose, to be registered in the Registry of the Island, which I send herewith, which if sent together with H.M. approbation of this Law, I am humbly of opinion H.M. approving thereof will not be prejudicial to any person. *Signed*, Edw. Northey. *Endorsed*, Reed. Jan. 16, Read June 2, 1702. 1½ pp. [C.O. 152, 4. No. 80; and 153, 7. pp. 442-444.]

Jan. 19. **39.** Order of House of Commons. That the Council of Trade and Plantations do lay before this House an account of their proceedings for the improvement of Trade since their last account laid before this House. [C.O. 389, 14. p. 231; and 389, 37. p. 238.]

Jan. 19.  
Hudson's  
Bay House.

**40.** The Governor and Company of Adventurers of England trading into Hudson's Bay to the Council of Trade and Plantations. The French with all their sophistry and equivocation have not been able to disprove the Company's undoubted right to all Hudson's Bay, etc. *Proceed to state the present melancholy*

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prospect of their Trade and Settlement in Hudson's Bay. None of H.M. Plantations are left in such a deplorable state as those of this Company, for by their great losses from the French, both in times of Peace as well as during the late war, as well as the hardships they lie under by the Treaty of Ryswick, they may be truly said to be the only Mourners by the Peace. The only settlement they have now left in Hudson's Bay, of seven they formerly possessed, is Albany Fort, vulgarly called Chechecewan, in the Bottom of the Bay, where they are surrounded by the French on every side, viz. by their settlements on the Lakes and Rivers from Canada to the northward towards Hudson's Bay, as also from Port Nelson, *alias* York Fort, to the Southward. Besides this, the Company have by the return of their ship this year received certain intelligences that the French have made another settlement at a place called New Severn, twixt Port Nelson and Albany Fort, whereby they have hindered the Indians from coming to trade at the Company's Factory at the Bottom of the Bay, so that the Company have not received above one fifth part of the returns they usually had from thence, insomuch that the same doth not answer the charge of their expedition. The Company being by these, and other their former misfortunes reduced to such a low and miserable condition that without H.M. gracious favour and assistance they are no ways able to keep that little remainder they are yet possessed of in Hudson's Bay, but may justly fear in a short time to be deprived of all their trade in those parts, which is solely negotiated by the manufacturers of this Kingdom, humbly conceive they can no ways be safe from the insults and encroachments of the French, so long as they are suffered to remain possessed of any place in Hudson's Bay, and that, in order to dislodge them, which the Company are no ways able to do, a force of three men of war, one boome (*bomb*) vessel and 250 soldiers besides the shipp company will be necessary, whereby that vast tract of land, which is so great concern, not only to this Company in particular, but likewise to the whole Nation in general, may not be utterly lost to this Kingdom. *Signed*, Wm. Potter, Secy. *Endorsed*, Reed. Read Jan. 20, 170 $\frac{1}{2}$ . 1 $\frac{3}{4}$  pp. [C.O. 134, 2. No. 30; and 135, 3. pp. 103-107.]

Jan. 19.

**41.** Minutes of Council of New York. Several other persons being this day summoned to give evidence with relation to the said papers [see Jan. 15-17], it appeared that several Frenchmen, Aliens and several strangers, persons who had lately come from England and the adjacent Provinces, and were only passing thro' this Province to other Governments had signed the same, and several boys of 15, 16, and 17 years had also subscribed to them, not knowing what the contents thereof was, as they themselves on oath acknowledged, but were merely deluded thereto.

Alderman Hutchins attending [see Jan. 17], but not producing the papers, it was resolved that he hath, to the manifest disturbance of the peace of this Government, used diverse indirect practices to procure mutiny and sedition amongst the soldiers, and by false

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pretences and giving them quantities of strong liquors has drawn in numbers of them, prevailing with some to sign libels against the administration of the Government here under H.M., and with others to enter their names in rolls to be applied to such purposes as he should think fitting, in manifest contempt and violation of an Act of General Assembly of this Province, 1691, *for the quieting and settling the disorders that have lately happened within this Province, and for establishing and securing H.M. present Government against the like disorders for the future*, and ordered (*nemine contradicente*) that the High Sherif of New York do take into his custody the body of the said John Hutchins and him in the Common goale of this city in close custody to keep and secure until he shall be from thence delivered by due course of Law, and then a warrant issued accordingly.

Ordered that William Barns and Henry Fowler, two J.P.s of the County of Westchester, together with Isaac Denham, High Sherrif of the said County, appear before this Board on Thursday seavennight.

On examination of Edward Marshall on oath relating to the papers signed at Alderman Hutchins' house, it appeared that Hutchins offered them to him to sign, and on perusal thereof he found his name subscribed thereto; that it was not his handwriting, nor he knows not nor hath heard of any man of the same name in the whole Province.

Jan. 20. The Address of Col. Nicholas Bayard, Rip Van Dam, Phillip French and Thomas Wenham read and ordered to be entered in the Council Book [*see April 16, ii.*]. Then it was ordered that the said persons, who were attending without, should be called into the Council Chamber, where they being present, it was declared to them that they had in effect disowned the authority of the present Governor by denying that he had succeeded the Earl of Bellomont in this Government, and were severally required to produce to this Board the copies of the said papers they owned by the said Address to be in their possession, which they severally refusing to do, the Governor told them that they were ill-advised, and with the consent of the Council gave them time to produce to this Board the said papers till to-morrow morning, 10 of the clock.

Jan. 21. After several persons had been examined relating to their knowledge of or subscribing to the said papers, it appeared that some of the said papers contained these heads, vitz. (1) That Abraham Gouverneur, the Speaker, was an alien; (2) that the Assembly had passed several Acts to the prejudice of the country; (3) that the Governor had assented to the said Acts by reason the Assembly had given him a present for so doing; (4) that the Assembly had given the Chief Justice a bribe to find Law and form for their illegal proceedings; (5) that the late Earl of Bellomont had putt out of offices the most ingenious and sensible men, and had putt in the scum of the people; (6) that the present Governor hath kept the most ingenious out of offices and the scumme of the people continue in the said offices, to the making the Government vile and cheap in the eyes of the people.

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Then the Governor acquainted the Council that after they had rose yesterday he had thought proper to send the Address of Col. Bayard, *etc.*, delivered to him yesterday, to the Attorney General, who had been present during the examination of the witnesses concerning the said papers, except only what was taken this day, for his opinion in Law therein, and had directed him to attend with the same. Whereupon the Attorney General was called into the Council Chamber and there delivered to the Governor his opinion under his hand, which was read and ordered to be entered:—Upon the whole my opinion in Law is (1) that neither the Address or Petition itself or any matter therein contained is criminal or illegal; (2) that the refusal of the Petitioners at the Council Board to produce the copies of certain original Addresses mentioned in their petition, owned by them to be in their custody by their petition, also is not such a contempt to the Council or other offence against the Law for which the Petitioners may legally be committed. *Signed*, Sa. Sh. Broughton.

The Attorney General having been asked his reason and grounds for the said opinion, and offering no authority or reason in Law to justify the same, it is the opinion of this Board that he hath not discharged his duty as Attorney General.

Then Col. Bayard being called in and asked for the copies of the papers he was yesterday ordered to bring to this Board, he answered that he had not brought them with him, neither did he design to bring them, and Rip van Dam, Phillip French and Thomas Wenham likewise. Mr. French told the Council that they should see them one time or other, and that this method of forcing the papers from them looked not like liberty. Then the said persons being ordered to withdraw, it is the opinion of the Governor and whole Council that it has appeared by the oaths of several persons examined in Council that Col. Bayard by combination and conspiracy with John Hutchins, lately committed by this Board, together with several other disaffected persons to this H.M. Government, to the manifest disturbance of the peace of the same, by diverse indirect practices hath drawn in souldiers and others to sign scandalous libells, whereby they have endeavoured to render the past and present Administration vile and cheap in the eyes of the people, and he, Nicholas Bayard, hath incited the people to disown the present authority, and to cast off H.M. Government as it is now established. The Council have unanimously thought fit and do resolve that the said Nicholas Bayard be committed for High Treason, and ordered that the Clerk of the Council do prepare a warrant for that purpose immediately. It is also the opinion of this Board that Rip van Dam, Phillip French and Thomas Wenham have further time, till Monday morning next at 10 of the clock, to produce the said papers, who were called in and acquainted therewith.

The warrant for committing of Col. Bayard was signed and sealed by the Governor and the whole Council present. Col. Bayard and the High Sherif were called in, and the warrant read, and delivered to the High Sherif to execute. Then Col. Bayard desired

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liberty of appealing to H.M., and was answered that he might do as he thought fit in that matter. [C.O. 5, 1184. pp. 606-612.]

Jan. 20.  
Whitehall.

**42.** Journal of Council of Trade and Plantations. Order of Council, Jan. 8, upon the administration of Justice in Barbados read. Directions given for inserting an Article in Governor Crowe's Instructions.

Order of Council, Jan. 8, as to two Acts of Barbados, read.

Order of Council, Jan. 8, relating to some firelocks for Nevis, read.

Order of Council, Jan. 1, appointing Mr. Jennings Secretary of Virginia, read.

Sir Stephen Evans, Mr. Samuel Clark, Mr. Young, Mr. Perry and other Members of the Hudson's Bay Company presented their Representation, which was read. Being asked what proportion they would bear of the charge of sending the ships and men wch. they desired for the recovery of the places that have been taken from them by the French in Hudson's Bay, and the support of their Trade there, they answered that the losses which they have sustained by the French in those parts, not only in time of war, but also in peace, have been so very great that they are scarce able to carry on any trade thither, and much less to bear any part of the charge of such an expedition. However, in further explanation of their proposal, they said that one 4th-rate and two 5th-rate men-of-war, with a bomb vessel and 250 land-men would in their opinion be sufficient to beat out the French from those parts; and that those ships (if sent) ought to part from hence about the middle of May, and, staying there till about Sept. 20 at farthest, they might be expected back here in October.

Letter from Lt. Gov. Bennet, Oct. 31, read. Letters etc. enclosed laid before the Board.

Progress made with Representation relating to the defence of the Plantations.

Order of the House of Commons, Jan. 19, requiring this Board to lay before them an account of their proceedings for the improvement of Trade since their last account, read. Directions given for collecting the heads of matters accordingly.

Jan. 21.

Mr. Cater ordered to attend to-morrow upon Mr. Hawkin's petition.

Further progress made with Representation upon the state of defence of the Plantations.

Jan. 22.

It being intimated to the Board that the Lord Grey arrived in town last night, ordered that the Secretary write to him. [See Jan. 22.]

Letter from Col. Codrington, Antego, Nov. 10, read. Directions given for preparing an answer. Ordered that the Secretary write to Mr. Sansom [see Jan. 22]. Papers transmitted by Col. Codrington laid before the Board.

Upon the petition of Thomas Elliot etc., a copy of the Solicitor General's Report, upon an Act of Antego relating to Blubber Valley Plantation, was ordered to be given to them.

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Letter from Mr. Atwood, New York, Oct. 20, read. Directions given for an answer. Ordered also that notice be given to Mr. Sansom of what he writes relating to the Custom House Officers. Papers enclosed laid before the Board.

Upon consideration of the letter to be writ to the Governors of Plantations relating to appeals from the Admiralty Courts, ordered that the Secretary write to Mr. Burchet to desire a list of the Vice Admiralty Commissions for the Plantations which are now in force. [C.O. 391, 14. pp. 295-305; and 391, 96. Nos. 11-13.]

Jan. 20.

**43.** Minutes of Council of Barbados. 25*l.* paid to Edward Jordan, senr., and Abell Alleyne for a negro executed for robbing the latter.

25*l.* paid to Dr. William Springham, Wm. Hunt and Mrs. Sarah Martin for a negro executed.

Petitions of Nicholas Baker, Thos. Stewart, William Leak, William Chearmley, for drawbacks on wine turned sour, recommended to the Assembly.

There being very great scarcity of provisions at this time in this Island, Proclamation ordered to be published by beat of drum in the several Towns prohibiting the exportation of any provisions more than what is necessary for the ships' use.

Members of Council and Assembly ordered to be summoned to meet on Friday next upon some business of extraordinary moment tending to the safety of this Island, which requires expedition.

The Ministers and Churchwardens having returned their Collections, pursuant to the late Brief for the relief of poor Houses keepers and other indigent persons in the parishes of St. Phillip and St. Lucy, amounting to 915*l.* 3*s.* 9*d.*, and 10*l.* 10*s.* promised and 70 bushels of Guinney corn etc., ordered that they pay their collections into the hands of James Chaband, there to remain till further orders from the Commissioners appointed to distribute the said Charity.

Petition of Joseph Charnock, Commander of the Patrol, setting forth that he had been very ill treated by Mrs. Agnew and her son Stewart when he was upon duty, read and referred to a Committee to enquire into. [C.O. 31, 6. pp. 121-125.]

Jan. 20.  
New York.

**44.** Lt. Gov. and Council of New York to the Council of Trade and Plantations. We take the liberty to acquaint your Lordships with so much as we are yet able to discover of a conspiracy to raise sedition and mutiny here, and to defame the administration of the Government of this Province under H.M., which appears to have been carried on by a factious party, the head of which is one Col. Bayard, of foreign birth, a man never easy under an English Government, and others are very angry that they cannot break the Laws of Trade with impunity. That they might intimidate those who are intrusted with the administration they have used vile arts to seem formidable, though few of the English inhabitants of this Province, in comparison with the true English subjects who inhabit it, joyn with them,

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and the most are souldiers inveagled by false pretences, common seamen, sojourners, boys and such as have been only passengers, together with Dutch and Frenchmen, of which many are Aliens, some names are twice over, and very few of them understood what they signed to ; they seek to impose upon H.M. and the House of Commons, as if they transmitted to them the complaints of the English of this Province. But wee assure your Lordships they have not applyed to us for redresse of any pretended greivances, nor do we know of any reall, and while we execute the authority entrusted with us to the best of our understandings, we doubt not of H.M. approbation and the protection of your Lordships. *Signed*, John Nanfan, A. D. Peyster, S. Staats, R. Walters, T. Weaver, W. Atwood. *Endorsed*, Recd. 14th, Read April 27, 1702. 2 pp. *Annexed*,

- 44. i. Abstract of preceding. 1 p.
- 44. ii. Copy of Minutes of Council of New York, Jan. 16, 170 $\frac{1}{2}$ .  
*Endorsed*, Recd. April 14, 1702. 2 $\frac{3}{4}$  pp.
- 44. iii. Copy of Minutes of Council of New York, Jan. 17, 170 $\frac{1}{2}$ . *Same endorsement*. 1 $\frac{1}{4}$  pp.
- 44. iv. Copy of Minutes of Council of New York, Jan. 19, 170 $\frac{1}{2}$ .  
*Same endorsement*. 1 $\frac{1}{2}$  pp.
- 44. v. Copy of Minutes of Council of New York, Jan. 19, 170 $\frac{1}{2}$ .  
*Same endorsement*.  $\frac{3}{4}$  p.
- 44. vi. Copy of a Warrant for the commitment of John Hutchins, Alderman of New York, concerned in the three Addresses against the present Administration in New York, Jan. 19, 170 $\frac{1}{2}$ . *Signed*, John Nanfan, A. D. Peyster, Saml. Staats, Robt. Walters, T. Weaver, Wm. Atwood. *Same endorsement*. 2 pp. [C.O. 5, 1047. Nos. 33, 33.i.-vi. ; and (without enclosures) 5, 1119. pp. 122-125.]

Jan. 21.  
New York.

45. Lieut. Governor and Council of New York to the Council of Trade and Plantations. Since ours of yesterday we have received further evidence concerning a conspiracy to disturb the peace, good, and quiet of H.M. Goverment, and it appeares very manifestly to us that Col. Nicholas Bayard is the chief promoter of it, and that it is of such a nature that if some example be not made, H.M. Goverment here will be (as they represent it) vile and cheap in the eyes of the people. *Signed as preceding*. *Endorsed*, Recd. 14th, Read April 27, 170 $\frac{1}{2}$ . 1 p. *Enclosed*,

- 45. i. Copy of Minutes of Councel of New York, Jan. 20, 1702.  
*Endorsed*, Recd. April 14, 1702. 2 pp.
- 45. ii. Copy of Minutes of Council of New York, Jan. 21, 170 $\frac{1}{2}$ .  
*Same endorsement*. 3 $\frac{3}{4}$  pp.
- 45. iii. Copy of Mittimus for the Commitment of Col. Bayard for High Treason. *Signed*, John Nanfan, A. D. Peyster, S. Staats, Robt. Walters, T. Weaver, W. Atwood. *Same endorsement*. 2 pp. [C.O. 5, 1047. Nos. 35, 35.i.-iii. ; and (without enclosures) 5, 1119. pp. 125-127.]

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Jan. 22.  
Whitehall.

**46.** Council of Trade and Plantations to Lord Grey. We desire you would please to furnish us with an account of the state of defence of Barbados as soon as possible, in order to perfecting our report upon the state of defence of all H.M. Plantations in America. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 29, 7. p. 461.]

Jan. 22.  
Whitehall.

**47.** William Popple to John Sansom. The Council of Trade and Plantations command me to acquaint you, for the information of the Commissioners of H.M. Customs, with what Col. Codrington writes Nov. 10 last relating to illegal trade in reference to Anguilla and Spanish Town (*quoted*). Also with Mr. Atwood's observations Oct. 20 last (*quoted*). [C.O. 153, 7. pp. 387-389.]

[? Jan. 22.]

**48.** Thomas and Elizabeth Elliot to the Council of Trade and Plantations. Praying for a copy of the Solicitor General's Report upon the Act of Antego relating to Blubber Valley Plantation. *Endorsed*, Recd. Read Jan. 22, 170 $\frac{1}{2}$ . 1 p. [C.O. 152, 4. No. 81.]

Jan. 22.

**49.** Minutes of Council of New York. The Governor and Council being informed that rumors have been spread in this Province as if severity and the utmost rigor of the Law would be used against all such persons as have been deluded to sign false and scandalous papers against the Goverment, it is ordered that a Proclamation issue declaring it to be the intent of this Goverment not to punish any person or persons who have been deluded thereto, but onely the chief promoters and encouragers thereof, and requiring all H.M. officers, civil and military, to use their utmost endeavours for the keeping the peace and quieting the minds of the people disturbed by the base and wicked arts of men, to whom the Laws of England and an English Goverment are the greatest grievance.

Jan. 23.

Petition of Robert Walters read, praying a license to purchase vacant land in the County of Suffolk of the Indian natives, and granted, provided the said purchase be made in 12 months.

The Governor made oath in Council that he had not opened the box of pacquetts he delivered to Capt. Darkins to carry to the Ministers of State in England since the signing of the papers against the Goverment was first declared to him.

Jan. 24.

Petition of Johannis Hardenbrook and others, on behalf of themselves and several other of H.M. subjects of this Province, was read, and the said persons having taken the oaths appointed, and subscribed the Test and Association, it was ordered that the Clerk of the Council do prepare a certificate thereof, and that the Seal of the Province be affixed to the same as desired by petitioners.

The Proclamation ordered Jan. 22 was approved of. [C.O. 5, 1184. pp. 612, 613.]

[ Jan. 23.]

**50.** Memorial on the petition of Isaac Hawkins to the Council of Trade and Plantations. *Refers to his Petition, Dec. 12, 1700, etc.*

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Your Lordships having sent the said petition to the Governor and Council of Barbados for their answer, they have not denied the truth thereof in any letter to your Lordships which has been communicated to Petitioner. So that it plainly appears that Barbara Newton and Petitioner (who is only an executor upon trust for several infants, her grandchildren) have been kept out of a just debt of 5,975*l.* due on bond for about 12 years past, and that this has hapned by the partiality of the Judicature in that Island, where persons parties in interest and unknowing in the Law have the whole administration of Justice. Petitioner does not think their Lordships' recommendation of Feb. 6, 1701, will make any the least amendment in what is complained of, because (1) It is already the constant practice there that all such of the Council, or other Judges as are named in any suit, do go off the Bench when any cause comes on wherein they are named plaintiffs or defendants, and the first petition does not complain of any such person sitting to give judgment, but of persons interested therein, who are not directly named. (2) It may not appear to the Court or Governor who are interested in a suit, or the consequence thereof, otherwise than by their being named in the action, and if it could appear to the Governor that any of the Council were interested in the consequence of any suit that was before them, yet he could not hinder their sitting Judges unless they were directly named as parties therein, for though the Members of that Council are made by the King's Mandamus, yet, while they continue such, they have their power of judicature by a late Law of that Island, with which the Governor cannot dispense, so that the Governor cannot obey the directions of the said Report, if it be extended any further then to persons named in the suit, which was not complained of.

Petitioner humbly conceives that it is apparent to your Lordships that he complains that persons fitly qualified by their knowledge in the Law and disinterested are not appointed to be Chancellors and Judges, as in H.M. other Dominions, and that instead thereof merchants, planters and other inhabitants, unknowing of the Law, and by reason of their trade and dealings often engaged and interested in suits of Law, should be Judges of those Courts, whereby too many of them may be tempted to engage in a mutual interest to avoid paying just debts by long delaies, and wholly to escape them at last by wrongful judgments and decrees. Against an alteration in this Petitioner knows noe objection but that it would be against the antient constitution of that Island. But on the first settlement of that Island, when suits were few, and for inconsiderable matters, and when they used to be decided in a summary way by some of the principle inhabitants, the administration of Justice there by persons not versed in the Law might be sufficient, but since the great increase of the traffick, wealth and laws of that Island, the number of suits are much increased, insomuch that about 1,200 suits were lately depending there at one time, and of late years, since the resort thither of persons professing the Law, more niceties and

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difficulty in the forms of proceedings have been introduced there than are used in England, which occasions great delaies, and it is now become much more difficult to administer justice there then it was formerly, wch. makes it absolutely necessary to have some persons to preside in those Courts capable to redress those growing evils. The great distance of that Island and the charge and trouble of Appeals makes it much more necessary to have Justice well administered. The Constitution of that Island cannot be called ancient, since it has been under a royal government only since the Restoration of Charles II, and has received many alterations since, *etc.* The only question then is, whether it be most for the King's service and good of his people that Justice should be administered by such as understand it, and are not parties in interest, or by such as do not understand it and are parties interested. *Endorsed*, Recd. 23rd, Read Jan. 27, 170 $\frac{1}{2}$ . 2 $\frac{3}{4}$  pp. [C.O. 28, 6. No. 30.]

Jan. 23. 51. Journal of Council of Trade and Plantations. Upon Whitehall. reading an Act of Bermuda *to prevent the oppression and extortion of officers*, referred to by Capt. Bennet, Aug. 28, their Lordships thought fit to suspend any resolution thereupon till Mr. Jones may have been heard upon the crimes that are imputed to him, or have transmitted his answer thereunto.

The Lord Grey attended with Mr. Bridges and Mr. Eyles, Agents for Barbados, and said that he was preparing a Memorial relating to the defence of that Island, which they promised to lay before their Lordships to-morrow. They now laid before the Board a copy of Mr. Skene's Memorial with an answer to it under the public Seal, signed by all the Council of that Island, as likewise an Act for a present of 2,000*l.* sterl. to his Lordship, Nov. 17 last, upon which his Lordship desired this Board wd. favour him with a report that he may have liberty to receive the same.

Further progress made with Representation on the defence of the Plantations.

Jan. 24. Letter from Sir William Beeston, Jamaica, Oct. 20, read.

Mr. Bridges presented to the Board Lord Grey's Memorial on the state of defence of Barbados, which was read.

Representation upon the State of Defence of H.M. Plantations in America was finished, and signed, and transmitted in a letter from the Board to the Earl of Manchester.

Ordered that the Secretary acquaint the Lord Grey as Jan. 26. [C.O. 391, 4. pp. 305-308; and 391, 96. Nos. 14, 15.]

Jan. 23. 52. Minutes of Council of Barbados. Ordered that an order issue out to the Colonels of Militia requiring them to exercise once a week for four weeks from Saturday next, and that they order the stores and arms in their Regiments to be inspected.

Bill to raise a further strength of Labourers to clear the trenches and repair the fortifications, sent up, was read three times and passed.

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Bill to appoint watches in the respective Towns read the first time and ordered to lie upon the table for further consideration.

Benjamin Monta and Amanuel Levy, mercht., granted leave to carry off the Island provisions shipped by them before the recent Proclamation was published, upon bond and oath as to the transaction being bona fide. [C.O. 31, 6. pp. 125, 126.]

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**53.** Lord Grey to the Council of Trade and Plantations. Upon a strict survey of the Ports and Batteries in Barbados, I found in 29 Forts and Batteries which are there 308 guns of divers natures, viz. 2 demi-cannon, 75 culverin, 108 demi-culverin, 101 saker, 22 minion. But of this number there were not above 58 serviceable guns, and them of such natures as are not proper for the Forts and Batteries, being small short ship guns. Most of the Forts and Batteries were out of repair and will require a very considerable sum of money to put them into a condition of defence. Upon consideration of what will be necessary for the defence of that Island, it is my opinion that such of the Forts and Batteries as may be most useful be forthwith repaired, and that there be sent thither at least 100 great guns of 12 foot long together with a suitable proportion of shot and all other Ordnance Stores needful for them. There is a want of small arms, shot and other stores necessary for the defence of the Island in a time of war. *Signed*, R. Grey. *Endorsed*, Recd. Read. Jan. 24, 170 $\frac{1}{2}$ . 2 pp. [C.O. 28, 6. No. 31; and 29, 7. pp. 462, 463.]

Jan. 24.  
New York.

**54.** Lt. Gov. Nanfan to the Council of Trade and Plantations. In obedience to your Lordships' commands, Oct. 8 last, I can assure your Lordps. that the complaints of Capt. Wake and his owners against our Collector, Mr. Weaver, appear to be only because of the faithful discharge of his duty. The order of the Commissioners of Customs to which they refer is so far from discharging the ship, that they say upon search of the General Register it appears that she was registered Aug. 10, wherefore they order him to discharge her, if there were no other cause, whereas she imported goods July 17 before. *Refers to Chief Justice [Atwood's] letter*. A copy of the judicial proceedings is sent to Mr. Champante, in order to defend against the Appeal. The Attorney General neither in this nor in any other matter appears to have discharged his duty, whether from want of ability or will, I need not determine, but am sorry to say there is reason to suspect both. *Signed*, John Nanfan. *Refers to enclosed Proclamation*. *Endorsed*, Recd. 14th, Read April 27, 1702. 3 pp *Enclosed*,

54. i. Copy of Proclamation for quieting the minds of the people of New York, upon occasion of the commitment of Mr. Hutchins and Col. Bayard. Fort William Henry, Jan. 24, 170 $\frac{1}{2}$ . *Signed*, John Nanfan. [See Jan. 22.] *Endorsed*, Recd. April 14, 1702. 1 $\frac{1}{2}$  pp. [C.O. 5, 1047. Nos. 36, 36.i.; and (without enclosure) 5, 1119. pp. 127-129.]

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Jan. 24. 55. Council of Trade and Plantations to the Earl of Whitehall. Manchester. Enclosing Representation to be laid before the King. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Enclosed*,

55. i. Council of Trade and Plantations to the King. *Refer to Representations of Jan. 10 and 25, 1701, and letters to Governors upon Order thereupon.* Having received answers from several Governors and further considered the condition of those parts with relation to the present conjuncture, we humbly represent that, *Newfoundland* is of great importance for the fishery. The place of chief strength in it is St. John's Harbour, which is now fortifying by your Majesty's order, and the garrison there by the establishment consists of 80 private soldiers besides officers. We have been informed from Capt. Richards, the Engineer, that great quantities of materials were wanted from hence for finishing the Forts, and that he had engaged several Masters of ships to bring each of 'em such proportions in ballast at their next return thither, as conveniently they might, of which we have given notice to the Office of Ordnance, and are transacting with the merchants and owners of ships what in us lies for the furtherance of this service. We have also received letters from Capt. Powell, Commander of the soldiers there, complaining of want of subsistence, cloathing and other necessaries for them, and the season now approaching for ships to go to those parts if permitted and secured by a convoy, we are humbly of opinion that a fitting supply be made according to the particulars which we shall lay before your Majesty.

On the *Continent* your Majesty has a Dominion of a very large extent, which at present requires a more especial care. As to the more Northern parts, Col. Romer, the Engineer sent thither by your Majesty, having surveyed all the coast from St. George's River to Boston, and sent us draughts of the principal Bays and Harbours, we have already laid before your Majesty the condition of several places on that coast, which are thought necessary to be fortified, and do further take leave to give your Majesty the following account. About five leagues to the Westward of St. George's lies *Pemaquid*, a spacious River and of great consequence as covering three other Rivers. At the entrance of this River, within two Leagues of the Main Sea, formerly stood a Fort, which in the late war, at the approach of two French men of war, with 100 soldiers and 500 Indians, was surrendered by a garrison appointed by the people of New England, and demolished by the said French and Indians. For the security of this Port and Harbour, and of all that country, and to encourage

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the people to settle there as formerly, Col. Romer advises that a good Fort be built in the same place or thereabouts ; and for its better defence, in case of an attack from the sea, that a battery be raised on the next point of land, and a Redoubt or Round Tower on John's Island. *Piscataway* is a River of great importance to Trade and the security of that country, being the boundary between the Province of Main and New Hampshire. On Great Island, so-called, at the mouth of the River, is a Fort of 30 guns on New Hampshire side, but incapable of defending the River. The place where it stands is said to be very proper for building a new Fort, such as the growing Trade of that place and country requires. Col. Romer has sent a design thereof, and adds that a strong Tower on the point of Fryar's Island, a Battery on Wood Island, and another Battery on Clark's Island would be very necessary.

The *Massachusetts Bay* has in it many Islands, the chiefest whereof is Castle Island, not far from Boston, upon which is a Fort for securing the passages and the channels of the Bay. By a Memorial and two Addresses to your Majesty from the Council and Assembly of that Province, they represent their unwillingness to comply with what has been required from them for their own defence, and towards the building of Forts in the neighbouring Province of New Hampshire, as well as with the quota of 350 men to be furnished by them in case of necessity for the security of the frontiers of New York, alleging for excuse the charge they have been at in building a small fortification at Casco Bay, 50 miles to the Eastward, and their being now actually at work in raising fortifications on Castle Island, which they esteem to be the place of the greatest consequence ; and representing withal that the Fort at Pemaquid, which they were required to build, would be useless to them, as well as too chargeable, which places, nevertheless, being within their territories, is generally esteemed of great security to those Eastern parts bordering upon the French. They further humbly signify their desire that your Majesty would be graciously pleased to assist them with cannon, small arms and other stores of war for the fortifications there, as also that some ships of war of greater force than those at present in that station may be sent for the better guarding of the coast in case of war. To this we humbly add what Col. Romer writes [Cal. 1701]. Upon which we humbly offer that your Majesty would be pleased to send thither some cannon, and such a quantity of the small arms demanded as your Majesty may think fit, as also to constitute a Governor and Lieut. Governor fit and proper to assert your Majestie's authority in those parts ; and also well

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qualified to compose the factions that have divided the inhabitants thereof; and that such Governor or Lieut. Governor do strictly admonish and require the inhabitants to exert themselves as well in fortifying those parts as in providing what may be necessary in all respects for their farther defence.

*Connecticut* being likewise a Frontier Province to the French, and the inhabitants thereof having been negligent of their own security, we humbly offer that your Majesty would be pleased to direct them to make due preparations against an attack, and to be ready to assist their neighbours of N. York and New England.

In the Province of *New York*, which is esteemed as the center of your Majesty's Plantations on the Continent, there is a Fort for the security of that City and Harbour, which is in a tolerable good condition. From thence 140 miles up Hudson's River is the Town and Fort of *Albany*, and about 20 miles further, on another River, lies *Schenectady*, both which are of great consequence towards the security of those parts. And in consideration thereof, your Majesty was pleased sometime past upon our report to order the Commissioners of your Majesty's Treasury to remit to the late Earl of Bellomont 2,000*l.* towards fortifying those two places; no part of which sum as we are informed having been yet issued, we humbly offer that your Majesty would be pleased to give such effectual orders to the Treasury that the money be specially remitted for that service, which we humbly conceive to be absolutely necessary in this juncture.

In the *Onnondage* Country a Fort was proposed by Lord Bellomont towards the securing the Five Nations in their allegiance, for which provision is already made by your Majesty's gift of 500*l.* and a contribution of 1,500*l.* by the Assembly of New York, tho' upon the more pressing necessity of repairing the Forts at Albany and Schenectady, we have understood that some part of the said 1,500*l.* has been made use of towards that service.

And whereas this Province has been at great charge for its own defence during the late war, and is unable to sustain the continuance of such a charge without some help, your Majesty has been pleased further to assist them upon several occasions with stores of war, and lately, upon the sending of the Lord Cornbury thither, with a considerable quantity of ammunition. But as for the contributions which we did propose to your Majesty as fit to be made by other Plantations on that Continent, and in order whereunto your Majesty was pleased to send letters to the respective Governors and Proprietors, we have understood that the said Plantations have generally declined it, without giving any sufficient

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reason, and we humbly offer that your Majesty's Orders be renewed to those Plantations in the most pressing terms, that they do comply with your Majesty's directions therein as a matter of common benefit and security.

The Provinces of *East and West New Jersey* are without any new Forts or places of defence, and being Proprieties where no regular government hath ever been established, the great disorders amongst them have now inclined the Proprietors to make application to your Majesty to accept of a surrender of their pretended right of government, and to put them under a Government appointed by your Majesty's immediate Commission, which matter is now transacting, and a Form of surrender expected from your Majesty's Attorney General. Upon your Majesty's taking that government into your hands, fitting care may be taken for the security of those parts, which under the present circumstances cannot be duly provided for.

*Pensilvania* is likewise without fortifications, and in no state of defence, nor has any progress been made therein by the Proprietor, notwithstanding our instance to him on that subject by order of the Lords Justices.

*Maryland and Virginia*, being large territories and lying open by great Rivers, cannot be so well secured by fortifications, but in both those Provinces there is a well regulated Militia, and places of Rendezvous appointed for any occasion ; besides stores of arms and ammunition, which should be from time to time supplied.

*North and South Carolina* are under Proprietors who do not take due care to put that country into a state of defence, notwithstanding their being so expos'd by the neighbourhood of the Spaniards. We therefore judge it necessary to the public service that the said Proprietors be quickened by an immediate Order from your Majesty to perform their duty herein.

The *Bahama Islands* lying before the Gulf of Florida and in the way of all ships that come from the Havana and the Bay of Mexico, it is of great consequence to your Majesty's service that they be preserved from an enemy ; they belong to Proprietors who ought to take care of them. But we have not been able to dispose those Proprietors to such compliance as was proper for your Majesty's service ; the Governor has lately desired some force to keep the Fort there (built for 32 guns), which being of immediate concern to the Proprietors, we are humbly of opinion that they shou'd take care in this matter, and that your Majesty would be pleased to signify your directions to them accordingly.

In the *Bermuda Islands* there are five little Castles, three of which lying at the entrance of the easiest

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passages to those Islands, are most considerable, but many of the platforms were decayed and the guns unserviceable, and stores and ammunition were wanting, which upon our Representation have been supplied. Capt. Bennet has prevailed with the Assembly to pass an Act for repairing their Forts, and has caused trenches to be cast up in all places where an Enemy may most probably attempt to land. So that we hope by his care, and the arrival of the stores that have been lately sent thither, and the Company of Foot which your Majesty has there, that Government is now in a good state of defence.

To *Jamaica* (see *Cal.*, Jan. 25, 1701) your Majesty sent two Regiments of Foot with stores and Ammunition with Brigadier Selwyn, which will require a reinforcement at such time as your Majesty may think fit, this Island lying as it were in the centre of the Spanish West Indies and the French settlements. Sir W. Beeston gave us an account that he had yet no news of your Majesty's squadron under the command of Vice-Admiral Benbow ; but that 26 sail, supposed to be French, having been seen Sept. 20 to windward of Martinico, had further engaged him to put the Island into as good a posture of defence as he could. [See *Cal.*, 1701.]

As to the *Leeward Islands*, at *St. Christophers* there is a Fort called *Cleverly Point Fort*, where 20 guns are mounted, *Brimstone Hill Fort*, where there are 12, and a small platform which has six. There being 30 pieces of cannon brought out of the French part of this Island, during the late war, Col. Codrington has given directions for the mounting and placing them with all speed ; which being done, he conceives that there is not occasion at present for more Artillery there ; nor does he specify any further want relating to the defence of the Island ; but represents the danger of it to be greater than any other, by reason of the French being possessed of one half, and the fate of it likely to be decided upon the breaking out of a war.

At *Antego* are several little forts and platforms. The Governor proposes the sending of 20 long sakers, which may serve as well against the Indians as any other enemy ; as likewise the building a small Fort at *Parham*, for which he desires 12 guns. He would also make a new platform in another place, where privateers in time of War, and unlawful traders in time of Peace are very busy. He further adds the great want of small arms in this Island.

At *Nevis* Col. Codrington represents the want of new carriages for the guns, and desires further long sakers, 5 guns, 12 pounders, and 5, 18 pounders, with a sufficient quantity of shot for 'em, and 500 saker shot

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for the guns already in the Fort and Platforms, together with 20 barrils of cannon powder. Your Majesty having been lately pleased to order 600 firelocks to be sent to this Island, for as many matchlocks returned from thence, we are humbly of opinion that upon the receipt thereof, they will be sufficiently provided with small arms.

As to *Montserat*, the Governor represents the Island as able to defend itself; but fears a danger from within, most of the inhabitants being Papists.

*Barbados* to the Windward is naturally fortified by rocks; and for defence of the Leeward side, which is most exposed to an enemy, there is now a trench of 7*ft.* broad by 5*ft.* deep all along the coast, and behind that a brest work of loose sand about 6*ft.* high and 3 foot broad at the top. There are also on that side several redoubts and at Bridgetown two forts, one at the entrance of the Road and the other within, which are the defence of that Town and Road. We have received from the Lord Grey, since his arrival, a Meml. of what may be necessary for the defence of this Island. Upon a strict survey of the Fortifications by himself and Commissioners appointed for that purpose, he found in 29 Forts and Batteries 308 guns of several sorts, of all which only 58 were serviceable; most of the Forts and Batteries were out of repair. His Lordship offering his opinion (upon consultation with the most experienced inhabitants of the Island) that such of the Forts and Batteries as may be most useful be forthwith repaired, and that there be sent thither at least 100 great guns of 12*ft.* long, together with a suitable proportion of shot and all other ordnance stores needfull for them, he further says that there is a want of small arms and shot, but does not specify the particulars. The inhabitants of this Island have at all times made their Forts and kept them in repair at their own expence, and have furnished themselves for the most part with small arms, but at present they complain of their being deprived of the 4*1/2* per cent. raised within that Island for their fortifications and other publick uses, and of their being weakened by the great expence they were at in assisting the Leeward Islands during the late war, for which they desire a consideration. But as to such a number of great guns as your Majesty may think proper, with a due proportion of shot and ammunition as by them desired, we humbly conceive they cannot have them otherwise than out of your Majesty's stores of ordnance.

The Company of Merchants trading to *Hudson's Bay*, having a Factory in those parts, represent that they can no way be safe unless your Majesty be pleased to grant them one fourth-rate and two fifth-rate men of war, one bomb vessel and 250 men,

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with which, if sent by the middle of May, they conceive they may be able to beat the French out of those parts, and that those ships staying there till about the middle of September, they may be expected back in October; and the said Company being asked by us what they can contribute to this expence, they answer that they are utterly incapable to give any assistance by reason of the great losses they already sustained from the French as well in time of Peace as War. The demands made by the several Colonies and Plantations before-mentioned, we conceive to be chiefly in view of a present defence, but in case of a war, we are humbly of opinion that a greater quantity of stores and materials of war will be wanting, and that in the principal and most considerable of those Plantations, it will be necessary that there be magazines of Ordnance Stores of all kinds, as well for the defence of each respective place, and of the Colonies adjoining, as for annoying the Enemy, who will be very watchful and active in this conjuncture, to take advantage against any of your Majesty's Plantations, which are of so great importance to the Trade and welfare of England.

We are also humbly of opinion that there be a like provision there of Naval Stores and Credit for your Majesty's ships of war, which have often lain very long useless in harbour in those parts by reason of their want of necessaries for refitting, which has been of great prejudice to your Majesty's service; the safety of your Majesty's Dominions in America depending chiefly on the Naval force to be sent thither at proper seasons, which may secure that trade and encourage the Planters, who will otherways be apt to desert their settlements. We take leave to add that there may be a due caution that the inhabitants of those Colonies be not imprest into the service of your Majesty's ships of war, this practice having been a very great weakening to those parts.

And whereas besides the assistance which your Majesty may be pleased to give from time to time to your Plantations, it is necessary that the inhabitants thereof shou'd on their part contribute to their mutual security, we are humbly of opinion that your Majesty be pleased to cause letters to that effect to be prepared for your Majesty's Royal signature, and sent to each of your Majesty's Governors.

And as your Majesty may please to observe by what we have before represented, that the Proprietary Governments are in a state wholly defenceless, and that the Proprietors have not complied with what has been demanded of them, or may be thought necessary for the common safety of your Majesty's subjects during a war, that these Colonies continue to be the retreat of

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pirates and illegal traders, and that such independant Governments are inconsistant with the welfare of this Kingdom, we further humbly represent that complaint has been made to us that your Majesty's standing forces in those parts are seduced and tempted to desertion by their being harboured in the neighbouring Colonies belonging to Proprietors, who holding themselves not subject to your Majesty's directions, refuse to deliver such deserters up to Justice. To redress which and divers other great abuses in those Colonies and to introduce such an administration of Justice as might be duly subservient and useful to England, we humbly offered our opinion March 26 last ; and in consideration that your Majesty's commands herein have not met with due compliance (several Governors and Lieut. Governors not qualified according to the late Act of Parliament having been appointed by those Proprietors even since that time) we cannot but continue in the same opinion, that it may be very expedient for the ends above mentioned, and particularly for the mutual defence of the Plantations, that the Charters of the several Proprietors and others be by the Legislative Power of this Kingdom reassumed to the Crown ; and that these Colonies be put into the same state and dependency as those of your Majesty's other Plantations, without prejudice to any man's property or freehold, which together with the means proposed will, as we humbly conceive, add to the safety of your Majesty's subjects there, and be of further annoyance to the Enemy. *Signed*, Stamford, Ph. Meadows, John Pollexfen, Wm. Blathwayt, Mat. Pryor. [C.O. 324, 8. pp. 37-63.]

Jan. 26. 56. William Popple to Lord Grey. The Council of Trade and Plantations having laid before the King what your Lordship has offered to them relating to the present state of defence of Barbados, if you have anything further to offer which may any way relate to the defence or welfare of that Island, they desire it may be forthwith laid before them. [C.O. 29, 7. p. 464.]

Jan. 26. 57. J. Burchett to Mr. Popple. I lately acquainted you that I had writ to Sir Charles Hedges for an account of the Vice-Admiral's Commissions granted in the several Plantations, and now enclose a copy. *Signed*, J. Burchett. *Endorsed*, Recd. Jan. 26, Read Feb. 6, 170 $\frac{1}{2}$ . *Addressed*. 1 p. *Enclosed*, 57. i. List of the Vice-Admiralty Commissions granted for H.M. Plantations. 1 p. [C.O. 323, 3. Nos. 111, 111.i. ; and 324, 8. pp. 66, 67.]

Jan. 26. 58. Minutes of Council of New York. Rip Van Dam, Phillip French and Thomas Wenham in obedience to an order of Jan. 21, appeared, but refused to deliver the papers they by their Address owned to be in their custody. Whereupon it is ordered that a

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supersedeas issue to the Commission of Phillip French, he being a Justice of the Peace in the City of New York, and that the Attorney General prosecute the said persons at the next Supreme Court for their contempt, etc. The Attorney General was called in and directed accordingly.

Petition of Severyn Tenhout read. Ordered that Mathias Mott, who hath an order for a patent to issue for the land in the said petition mentioned, have a copy of the petition before any order be made thereon.

Petition of Susannah Vaughton read. Ordered that petitioner or some on her behalf appear before this Board on Munday and make good the suggestions conteined therein. Ordered that Leigh Atwood and Richard Slater, the persons who have lycence (*inter alia*) to purchase the land in the petition of Susannah Vaughton, have a copy thereof.

Petition of Samuel Staats and others read, praying a lycense to purchase 5,000 acres of land in Ulster, called Wawayanda, scituate above 30 miles backwards in the woods from Hudson's River, of the Indian and native proprietors thereof, and granted provided the said purchase be made and returned to this Board within 12 months after the date hereof.

69l. 15s. 8d. paid to Col. Abraham Depeyster for beef, pork, pease, etc., found and provided by John van Cortlandt for H.M.S. *Fortune* sent to England with ship-timber.

80l. 10s. 5d. paid to Thomas Weaver for so much paid by him for several incidents by order of the Government.

Salary of Gabriel Ludlow, Clerk of the Assembly, paid.

45l. paid to William Teller for the hire of his sloop to carry the Lt.-Gov. to Albany to the Five Nations of Indians in July.

21l. 0s. 1½d. paid to Johannis Schuyler for sundry necessaries provided by him for the Messengers sent to the Onnagongue Indians by order of his late Excellency. [C.O. 5, 1184. pp. 613-615.]

Jan. 27. **59.** Council of Trade and Plantations to the King. We Whitehall. herewith humbly lay before your Majesty the draught of a Commission for Mitford Crowe Esq. to be Governor of Barbados, and are preparing a draught of Instructions. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 29, 7. p. 465.]

[Jan. 27.] **60.** Humble petition of the Council and Assembly of Barbados to the King. Being truly sensible of the great benefits and blessings which this your Majesty's Island hath received since it hath pleased Almighty God to place you over us, etc., we lay before your Majesty the great want we are in of ordnance and ammunition, that are absolutely necessary for the defence and safety of the Island, which the inhabitants at present are not in a condition to purchase, chiefly occasioned from a great duty laid upon sugars in the reign of the late King James, by which many of the inhabitants were so impoverished that at least  $\frac{1}{3}$ rd part of the lands, which were before employed for making sugars,

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hath ever since laid waste, and was also very prejudicial to your Kingdom of England in its product, Trade and Navigation. Besides this, Your Majesty's Island during the late war with France suffered great losses of its inhabitants, and was at very great charges for several expeditions to preserve your Majesty's Leeward Islands, supplying your Majesty's ships of war and other vessels taken up in your Majesty's service for the defence of this Island, and likewise the necessary charges of this Island being very great, especially the support and repairs of your Majesty's forts and fortifications, for which there are very great annual taxes made, notwithstanding there is an Act for that purpose which hath raised to your Majesty 4½ per cent. of the whole dead produce of this Island for ever. We therefore do most humbly beseech your Majesty to grant your petitioners such a seasonable and suitable relief as their condition doth require, and as in your great wisdom shall seem meet. *Signed*, Richd. Downes, Speaker; James Colleton, Jona. Downes, Tho. Maycock, George Peers, W. Fortescue, William Terrill, W. Holder, Miles Toppin, William Heysham, Wm. Davies, Alexander Walker, Tho. Alleyne, R. Brewster, Phillip Kirton, Richd. Rycroft, Charles Middleton (*Representatives*). (*Council*): John Farmer, Geo. Lillington, Geo. Andrews, Wm. Sharpe, Pat. Mein, Tob. Frere, Michael Terrill, Richd. Scott, Ben. Cryer, Saml. Cox. *Endorsed*, Presented to the Board by the Lord Grey by His Majesty's Order. Recd. Read Jan. 27, 170½. 1 large p. [C.O. 28, 6. No. 32; and 29, 7. pp. 466-469.]

Jan. 27.  
Whitehall.

**61.** Journal of Council of Trade and Plantations. The Lord Grey acquainted the Board that having presented to the King a petition from the Council and General Assembly of Barbadoes, relating to the State of that Island, H.M. has directed him to lay the same before their Lordships, wh. he accordingly did, and the same being read, their Lordships observed that the Article relating to Barbadoes in their report of the 24th inst. being to the very same effect as this petition, it does contain all that is proper for them to say upon it. His Lordship also added that, tho' he have not been desired by the Council of Barbados to move for any standing forces to be sent to that Island, yet he is himself of opinion that 200 men (provided care be taken that they be not burdensome to the inhabitants) would be of great service.

Letter to the Earl of Carlisle, First Commissioner of the Treasury, desiring his favour in reference to the salaries due to this office, signed and sent.

Memorial upon the late petition of Mr. Isaac Hawkins read.

Draught of a Representation upon the Order of Reference upon the said Petition agreed upon.

Jan. 28.

The above Representation was signed.

Mr. Mead was granted a copy of an Act of St. Christophers for settling and strengthening H.M. part of that Island.

Letter from Mr. Morton, Carolina, Aug. 29, and Sept. 25, read, and the Copy of an Act for regulating the Court of Admiralty in

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Carolina, therein referred to, was laid before the Board. Ordered that a copy of the said Act be sent to Doctor Newton, Advocate of the Lord High Admiral, and that the Secretary write for his opinion. [See Jan. 29.]

Jan. 29. Letter from Mr. Burwell, Oct. 13 last, laid before the Board. Draughts of letters to Mr. Atwood, Mr. Morton and Dr. Newton approved and ordered to be sent.

Memorial from Solomon Merrett read. Copy ordered to be sent to Mr. Burchet for the consideration of the Lord High Admiral.

Letters and affidavits about the Bermuda sloop seized and condemned in the Bahama Islands, referred to in Capt. Bennet's Letter of Oct. 31 last, read. Letter to the Lords Proprietors of the Bahama Islands ordered to be prepared, with an acct. of the irregularities that appear in those proceedings and desiring to know what they may have to say upon that matter.

Letter from the Earl of Manchester, signifying H.M. directions that a letter be prepared for the revocation of Sir William Beeston, late Governor of Jamaica, read. Directions given accordingly. [C.O. 391, 14. pp. 309-315; and 391, 96. Nos. 16-18.]

Jan. 28. 62. Council of Trade and Plantations to the King. We have examined the Petition of Isaac Hawkins [Jan. 1]. *Refer to report of Feb. 6 last and Order thereupon, q.v.* The letters then ordered were written in pressing terms and did more particularly require that the Complainants should have such redress as is agreeable to Law, and that no members of your Majesty's Council in that Island should be exempted from any prosecution in law or equity for the payment of their just debts, except only during the time that the General Assembly should be sitting. In pursuance of those directions the Governour and Council of Barbadoes did some while since transmit to us a large and particular answer to the severall foresaid complaints. Which answer we communicated to Mr. Hodges, one of the chief complainants, who only applied himself to us for it, and having received his reply, we did on the 12th December last humbly lay before your Majesty the principal heads of both those papers, observing also thereupon that whatever have been the neglects or other irregularities in the Courts of Justice of that Island formerly, we had reason to believe that your Majesty's directions had been of good use towards their reformation; it not appearing to us that since that time there have been any extraordinary delays in the sitting of those Courts, nor much less that they have refused to hear any Motion or give judgment in any cause that has come before them. Neither does the said Hawkins in the petition now under consideration complain of injury done him by delays or other obstructions in any legal proceedings made by him since the sending of these directions, but only sets forth that he hath for twelve months past attended for the Governor's answer; which, nevertheless, we have reason to believe he hath been acquainted with; or if he had made his application to us he might at any time have been informed. As to what he further suggests of his having expected that we might have offered to

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your Majesty that a change should be made in the Constitution of the Court of Chancery and Court of Errors in Barbados, as the only effectual remedy (in his opinion) for the inconveniences which have been complained of; we humbly refer ourselves to what we have already represented to your Majesty in our report of the 12th of December last, upon occasion of Mr. Hodges' paper, which were much more particular on the same subject, vizt. that in the general administration of Justice in all your Majesty's plantations, inhabitants of the best ability and reputation have been looked upon as the persons most proper to determine controversies there and of least charge to the people. And we further humbly offer that in the instructions to be prepared for Mr. Crowe, whom your Majesty has appointed Governor of that Island, an Article may be inserted, in the most pressing manner to inforce the directions which have been already given by your Majesty for the reformation of all irregularities in their Courts and for the due and speedy administration of justice. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 29, 7. pp. 469-473.]

Jan. 29. **63.** Order of King in Council. Approving the draught of Kensington. a Commission for Governor Crowe, and directing the Earl of Manchester to prepare a warrant for H.M. signature for passing the same. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 6, 1701.  $\frac{3}{4}$  p. [C.O. 28, 6. No. 33; and 29, 7. pp. 473, 474.]

Jan. 29. **64.** Solomon Merrett to the Council of Trade and Plantations. London. In case a war happen between England and France and Spain and if the Government shall think it meet to encourage a trade with Spain (which is the only way to keep our woollen manufacture and Fishery in use, and to vend the same) we may have a Trade for the vending our woollen manufacture and fish by using the method following, not doubting but we shall have a Fleet in the Streights and be Masters of those Seas, viz. :— By sending some merchants' ships with a convoy to Cadiz and all along the coasts of Spain about the time of the vintage, and that the convoy have orders to wait for the security of the merchants' ships in the Bay of Cadiz, Malaga Road, Almeria Bay, Carthegenia Bay, Alicant Road and Barcelona, from ten to twenty days in each place, or so long time thereof as the Trade shall require, during which time they may vend our woollen manufacture and receive their money and goods, by which means our shipping will be employed, our Trade go forward and the King's Customs not lessened. By sending a sufficient force to Newfoundland for the security of that important place, at least 10 men of war, who during the summer may annoy the French Fishery on the Bank and at St. Peter's and Placentia, and about the 10th of Oct. may proceed for the Bay of Cadiz and lie there, and at the places above-named, the time proposed for the vending their fish and bringing away returns. And whereas it may be objected that there will be little probability of a Trade with Spain, when there is a war, I humbly answer that there's some

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living who traded with Spain last war all the war, and were admitted into Port only on carrying Neutral Colours, altho' the Spaniards well knew the ships and the Commander to be English, and we may well expect the same Trade now, as the war will not be so directly against the Spaniards as the French, it being to settle affairs as most of them will be found to wish for, and as they cannot be supplied by our woollen manufactures and fish so well as by us, or if they could, yet that it's only England and Holland that takes the produce of their country in returns, and that this Trade is to be effected. There's very few merchants who constantly trade in time of peace but what have friends there, who on their assurance will send of and trade in time of war. *Signed*, Solomon Merrett. *Endorsed*, Recd. Read Jan. 29, 170 $\frac{1}{2}$ . 1 p. [C.O. 194, 2. No. 55; and 195, 3. pp. 28-31.]

Jan. 29.

**65.** William Popple to Josiah Burchet. The Council of Trade and Plantations order me to enclose you a copy of the Memorial of Mr. Solomon Merritt [above], to be laid before the Rt. Hon. the Lord High Admiral of England, for such consideration as his Lordship shall think fit. [C.O. 195, 3. pp. 31, 32.]

Jan. 29.  
Whitehall.

**66.** The Earl of Manchester to the Council of Trade and Plantations. The King, having thought fit to appoint Brigadier Selwyn Governor of Jamaica and to determine Sir Wm. Beeston's Commission, would have you prepare a letter of Revocation for his signature. *Signed*, Manchester. *Endorsed*, Recd. Read Jan. 29, 170 $\frac{1}{2}$ . 1 p. [C.O. 137, 5. No. 60; and 138, 10. pp. 323, 324.]

Jan. 29.  
New York.

**67.** T. Weaver to the Council of Trade and Plantations. I must most humbly thank and acknowledge your Lordships' great justice and goodness in not giving intire credit to the calumnys and clamours of the merchants against me for justly discharging my oath and duty as Collector—the great charge H.M. has been pleased to honour me with (amongst a people who never till now were interrupted in their breach of the Acts of Trade) I am sensible will subject me to great malice. But I am assur'd of your Lordships' protection whilst I do my duty. In the whole business of Wake's ship and all other seizures I have made, I have persued the Acts of Parliament, which I am sworn to observe—and it is I hope worth your Lordships' observation, that complaints are made against me to your Lordships by those that never once complained to the Government here against me so much as by a petition—but they believe a complaint so far off will give me trouble and discredit me with your Lordships, who will have, according to your orders, a full account of my behaviour from the Goverour here, as the Agent, Mr. Champante, hath the whole proceedings to produce to Your Lordships for my justification. I pray leave to say that the anger of the Merchants against me is some proof I am not corrupted by them—nor ever shall be—I gave the Commissioners of Customs an

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account some time since of my proceedings against Wake's ship, and if your Lordships please to order me, I shall give your Lordships the trouble of constant accounts of what seizures I make, that your Lordships may judge how far I observe my oath and duty, and how unjustly I am complained against by such petitioners as Wake and his owners, who have not represented one true fact to your Lordships. As I have, to my great charge and trouble, left England to serve H.M. in a remote Colony amongst a divided people, hitherto licentious in trade, so I shall never depart from the interest of my Prince, *etc.* *Signed*, T. Weaver. *Endorsed*, Reed. 14th, Read April 27, 1702. *Holograph. Addressed. 2 pp. [C.O. 5, 1047. No. 34; and 5, 1119. pp. 111, 112.]*

Jan. 29. **68.** William Popple to Wm. Atwood. I rejoiced at the receipt of your letter, Aug. 20, *etc.* Their Lordships are very well pleased with what you write of your care in the affairs of the Province, and with the testimony you have had thereof in the additional salary of *70l. per annum* made you by the Assembly. As to what you write about the time when your salary should commence, they have ordered me to acquaint you that the regulation of matters which relate to the disposition of money does not belong to them, nor therefore can they meddle in it. What you say you have done for preventing the mischiefs which threat'n'd the City from the discontents raised upon the return of Aldermen and Assistants, is very acceptable to their Lordships; who order me to signify to you that you cannot do a greater service than in contributing your endeavours towards the reconciling all differences, and preventing the mischiefs that may arise from thence, and they therefore desire you to continue that care on all occasions. The disorders that you mention to have been in the Assembly are very unhappy, but more especially the paper sent by the Sheriff of Suffolk County, as the sense of the Freeholders, upon the not executing the writ for electing Representatives for that County, seems to be an insolency which ought to be prosecuted with vigour. And their Lordships have thereupon ordered me to assure you that (whenever it may be necessary) you shall not want such protection as they are able to give in the performance of your duty, either on that or any other occasion for H.M. service. [C.O. 5, 1119. pp. 75-77.]

Jan. 29. **69.** William Popple to Joseph Morton, Judge of the Admiralty in Carolina. Your letters of the 29th August and 25th September last, together with the Copy of an Act for regulating the Court of Admiralty in Carolina (which was there inclosed), having been laid before the Lords Commissioners for Trade and Plantations, their Lordships have commanded me to acquaint you that they have the said Act now under consideration; And further to assure you of their constant readiness to doe anything that may be proper for them to incourage you in the continuance of that care which they are willing to believe you have hitherto used in suppressing Piracy and illegal Trade, and

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otherwise pursuing the ends of your Commission as may be best for his Majesty's Service. [C.O. 5, 1289. p. 339.]

Jan. 29.  
Whitehall.

**70.** William Popple to Dr. Newton, Advocate to the Lord High Admiral. The enclosed Copy of an Act past in Carolina the 1st of March, 170<sup>0</sup>, for regulating the Court of Admiralty, having been transmitted to the Lords Commissioners for Trade and Plantations, by Mr. Morton, Judge of that Court, with complaint that the said Act is very injurious to himself and the other Officers of the Admiralty there, derogatory to his Commission, and does tend to the incouragement of unlawfull Trade, their Lordships have commanded me to send the same to you, and to desire your opinion thereupon, more especially in relation to the inconsistency thereof with the Powers and Authority belonging to the Judge or Court of Admiralty in Carolina by virtue of H.M. Commission, and with the methods of proceedings which ought to be there observed. [C.O. 5, 1289. p. 340.]

Jan. 29.  
Kensington.

**71.** Order of King in Council. Approving enclosed form, and referring it to the Lords Commissioners of Trade and Plantations, who are to call upon the Proprietors of East and West New Jersey to execute the surrender according to this form. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 4, 170 $\frac{1}{2}$ .  $\frac{3}{4}$  p. *Enclosed*,

71. i. Copy of Form of a Surrender, prepared by the Attorney General, to be made by the Proprietors of the Provinces of East and West New Jersey in America, to His Majesty, of all their right or pretence of right to the Government they have hitherto claimed of the said Provinces. *Signed*, Edw. Northey. *Endorsed*, Read Jan. 29, 170 $\frac{1}{2}$ . 5 $\frac{3}{4}$  pp. [C.O. 5, 1261. Nos. 42, 42.i.; and 5, 1289. pp. 346-357.]

Jan. 29.

**72.** Minutes of Council of New York. 27l. 5s. 11 $\frac{1}{2}$ d. paid to Gabriell Tompson for so much expended by him by order of the Government in entertaining Frenchmen sent from Canada as also several Sachims of the Five Nations together with persons sent express from Albany on the public affairs of the Government.

363l. 11s. 6d. sterl. paid to Katherine, Countess of Bellomont, the same being due to Thomas Weaver for his salary as Agent of this Province in England and for monies advanced by him for fees to Council, to the Clerks of Offices, etc., about the public affairs of this Government, he having requested that the same should be made payable to her.

6l. 6s. paid to Judith Pemberton for nursing Henry Povey ten weeks and Isaiah Brooks 8 weeks. Also 8l. 8s. for nursing Jonas Thomas, a sick soldier, for 24 weeks.

Whereas several private Commissions have been granted by former Governors to several persons, some whereof by experience have proved a disservice to H.M., leading only to the interest of such persons to whom they have been granted, and others

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misapplied, it is ordered a Proclamation issue declaring all Commissions, powers and authorities granted to any person by any former Governor to be void, except the Justices of the Peace, Militia Officers, Commissioners for managing the Indian Affairs, Clerks of the Council and Assembly and Custom House Officers, that thereby this Board may be informed of all Commissions and powers in force in this Province. [C.O. 5, 1184. pp. 615-617.]

Jan. 31.  
Office of  
Ordnance.

**73.** Board of Ordnance to the Council of Trade and Plantations. The Officer sent home by Captain Richards from Newfoundland having represented that the Navy formerly sent a large chain for a boom for the security of the harbour's mouth of St. John's, and that it is yet altogether useless for want of being fixed and masts to float it, we have thought fit to acquaint your Lordships therewith, and to send him to attend your Lordships concerning it, not doubting but your Lordships will think it for H.M. service that the Navy Board to whom it belongs may have directions to fix it, and to provide masts for the floating thereof. *Signed*, C. Musgrave, J. Pulteney, Wm. Boulter, Ja. Lowther, Jon. Charlton. *Endorsed*, Recd. Read Feb. 2, 170 $\frac{1}{2}$ . 1 p. [C.O. 194, 2. No. 56; and 195, 3. pp. 32, 33.]

Jan. 31.  
Bermuda.

**74.** Governor Bennett to Mr. Popple. *Refers to letter and enclosures of Jan. 12.* By a vessel from Carolina, Jan. 18, I had advise that Capt. Flavill, who has stores on board for this place, was arriv'd there, having in bad weather been driven off from this coast, but will proceed hither after having refitted. By the same conveyance with this, Mr. Day, my predecessor, sends letters to his father and others complaining, as I am told, of some hardships he has received this Assises, having been Defendant in several actions and cast in every one. The reason I mention this is, least I should be represented to have been unkind by not protecting him from those prosecutions, which I presume I could not justifiably do, but what was in my power to serve him, I constantly complied with, and had I not timely corrected some insolences that were offered to him, I am satisfied the mob would have roughly handled him, for the better sort openly declared they would have shewn their resentments in a revengeful manner, were it not in respect to me. The Assizes not being over, I cannot yet give an account of proceedings on those Articles I transmitted against the late Sheriff, Mr. Jones, only, as in my last, he is found guilty of perjury. *Signed*, B. Bennett. *P.S.*- Just as I had finished my letters, a sloop arrived here with a passenger who came over in Capt. Flavill's and brought a pacquett with him from you. I hear Capt. Flavill has a pacquett for me, which he says he must deliver himself. *Signed*, B. Bennett. *Endorsed*, Recd. March 27, 1702. 2 $\frac{1}{2}$  pp. *Enclosed*,

74. i. Abstract of preceding.

74. ii. Copy of address of the Assembly of Bermuda, containing reasons for uniting the Bahama Islands to the Govt. of Bermuda. Nov. 22, 1701. *Endorsed as preceding*.

4 pp. [C.O. 37, 3. Nos. 64, 64.i,ii.; and (duplicates

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*without abstract) 37, 25. Nos. 71, 71.i.; and (without abstract) 38, 5. pp. 194-198.]*

Jan. 31. **75.** Order of House of Commons. That the state of the Plantations with relation to Trade and their security, together with the names of the present Governours of the Plantations, be laid before this House by the Commissioners for Trade and Plantations. *Endorsed, Recd. Read Feb. 2, 170½. ½ p. [C.O. 323, 3. No. 112; and 324, 8. p. 65; and 389, 14. p. 234.]*

Jan. 31. **76.** Answer of Council of Trade and Plantations to preceding. *[C.O. 389, 37. pp. 241-308.]*

Feb. 2. **77.** Earl of Manchester to the Council of Trade and Plantations. I have laid your Representation of the state of the Plantations before the King, and H.M. commands you to consider what H.M. may do of himself for the defence and security of the Plantations in this conjuncture, and what may be proper to be laid before the Parliament to that purpose, and make a Report thereof under those two heads distinctly. H.M. would likewise have you prepare letters as you propose, to reinforce the orders you mention to have been given to the respective Governours, as well those constituted by the King as by the Proprietors. *Signed, Manchester. Endorsed, Recd. Read Feb. 2, 170½. 1 p. [C.O. 323, 3. No. 113; and 324, 8. p. 64.]*

Feb. 2. **78.** Council of Trade and Plantations to the Lords Proprietors of the Bahama Islands. We have lately received from the Lieutenant Governour of Bermuda the attested copies of several Letters and an Affidavit, relating to the conduct of Captain Hasket, Governour of the Bahamas, in the seizure and condemnation of a Bermuda sloop, *Seaflower*, about June last. Some of the principal heads of the papers are—That the said sloop riding at anchor between Turk's Island and the Caucases, was seized by one Captain John Warren, Commander of a sloop belonging to Providence, and carried up thither; that upon their arrival at Providence Captain Hasket caused divers of the seamen to be examined severally, and swore them to answer to all such questions as should be demanded of them, threatening withall that if they did not agree in their answers he would cut off their ears. That in their examination one chief interrogatory was, Whether the said sloop had taken in salt at Turk's Island, pretending the same to be within the Commission or Instructions he had received from your Lordships; that he more particularly threatened John Caverley one of the seamen, that if he would not confess that they were going to steale and rake salt and cut wood he would hang him, and accordingly commanded a Negroe to put a halter about the said Caverly's neck. That he kept the said Caverly and another of the seamen several days in prison without allowing them any provisions. That he caused the said sloop to be tried, and there being 24 persons returned for a Jury he chose such twelve of them as he liked best and

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struck out the names of the others. That the Foreman of the Jury and likewise the Judge were both his kinsmen. That upon the Jury's going out to consider of their verdict, he told them, that whatever verdict they brought in he would condemn the vessel. That the vessel was accordingly condemned and then bought by himself for 235*l.* That after condemnation the Master craved an Appeal to England but was refused it. That afterwards upon the Master's applying to him for leave for himself and seamen to depart the Island, he refused it, saying, that he would not suffer them to come away till he had another 100*l.* or 200*l.* out of them. All these proceedings appearing to us very irregular and oppressive, and not having any knowledge of the ground thereof, we desire your Lordships to inform us in the whole matter, in order to our representing the same to H.M. for such directions thereupon as shall be found expedient. *Signed,* Stamford, Ph. Meadows, Jno. Pollexfen, Mat. Prior. [C.O. 5, 1289. pp. 341-343; and 5, 289. pp. 82, 83.]

Feb. 2.  
Whitehall.

**79.** Earl of Manchester to the Council of Trade and Plantations. The late Commissioners of the Admiralty having sent me a letter to them from Mr. Quarry, Judge of the Vice-Admiralty of Carolina, relating to unlawful trades in those parts, and the discouragement which the officers of the Admiralty meet with in the discharge of their duty from the Proprietors, particularly complaining of an Act of the Assembly for regulating proceedings in the Admiralty Court there, I have laid the papers before H.M., who commands me to signify his pleasure to your Lordships, that he would have you consider of them, and report your opinion to H.M. what you think may be most fit to be done in order to the redressing the abuses complained of. *Signed,* Manchester. *Endorsed,* Recd. Read Feb. 6, 170*½*. 1 p. *Enclosed,*

79. i. Copy of an Act for the better regulating the proceedings of the Court of Admiralty in Carolina and the fees for the same. *Signed,* Ja. Moore, John Wich, Robt. Gibbs, Henry Noble. *Endorsed,* R. Jan. 22, 170*½*. 5*½* *large pp.* *Torn.* [C.O. 5, 1261. Nos. 43, 43.i.; and (*without enclosure*) 5, 1289. pp. 357, 358.]

Feb. 2.  
Whitehall.

**80.** William Popple to Josiah Burchet. Enclosing copy of letter from the Board of Ordnance, Jan. 31, to be laid before the Lord High Admiral for the necessary directions therein. [C.O. 195, 3. pp. 33, 34.]

[Feb. 2.]

**81.** Memorandum of Naval Officer's List of Ships entered and cleared in Barbados, Dee. 25, 1700-March 24, 1701. *Endorsed,* Recd. Feb. 2, Read 27th, 170*½*. 4 p. [C.O. 28, 6. No. 34.]

[Feb. 2.]

**82.** Memorandum of Naval Officer's List of Ships entered and cleared in Barbados, March 25-June 24, 1701. *Endorsed,* Recd. Feb. 2, 170*½*. 4 p. [C.O. 28, 6. No. 35.]

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[Feb. 2.] **83.** Memorandum of Naval Officer's List of Ships cleared and entered in Barbados, June 25–Sept. 24, 1701. *Endorsed, Recd. Feb. 2, 170½. ½ p. [C.O. 28, 6. No. 36.]*

[Feb. 2.] **84.** Memorandum of Acts of Barbados passed May–Nov., 1701. *Endorsed, Recd. Feb. 2, 170½. ¼ p. [C.O. 28, 6. No. 37.]*

**Feb. 2.** **85.** Journal of Council of Trade and Plantations. Letter from the Board of Ordnance, Jan. 31, read. Ordered that a copy be sent to Mr. Burchet.

Order of the House of Commons, Jan. 31, read, and some progress made in the consideration of that matter.

Letter from the Earl of Manchester, Feb. 2, with regard to the defence of the Plantations, read. Their Lordships took the matter into consideration.

Letter to the Lords Proprietors of the Bahama Islands signed and sent to Mr. Greenville, one of them.

**Feb. 3.** Doctor Newton, Advocate of the Lord High Admiral, presented to the Board an answer to the Secretary's letter of Jan. 29, which was read.

Progress made in report to the House of Commons.

**Feb. 4.** Order of Council, Jan. 29, upon the draught of a surrender of Government prepared by Mr. Attorney General to be made by the Proprietors of East and West New Jersey, was laid before the Board, and Mr. Morrice desiring all convenient dispatch may be made, he was directed to give notice to the Proprietors of both the Jerseys to attend this Board on Friday.

Further progress made in preparing report to the House of Commons. [C.O. 391, 14. pp. 315–320; and 391, 96. Nos. 19–21.]

**Feb. 2.** **86.** Minutes of Council of New York. Ordered that William Creed do appear on Thursday, and then and there make good the caveat filed by him this day.

Ordered that Susannah Vaughton appear on Thursday, further time being thus given her to make good the allegations set forth in her petition, Jan. 26.

Ordered that the Escheator of this Province also appear that day. [C.O. 5, 1184. p. 617.]

**Feb. 3.** **87.** J. Thurston to William Popple. The papers last transmitted from Newfoundland to the Council of Trade and Plantations, containing a charge against me of defrauding the soldiers there, or at least of withholding their subsistence from them, I humbly pray the enclosed may be laid before their Lordships as my answer, by which I hope it will appear that the want of subsistence complained of proceeds not from any indirect practice of mine, but from a misapplication of the money sent over by, *Signed, J. Thurston. Endorsed, Recd. Feb. 3, Read March 12, 170½. 1 p. Enclosed,*

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87. i. J. Thurston to the Council of Trade and Plantations.

Complaints having been made of an arrear of subsistence due to the Company at Newfoundland by one of the late Officers of the Company, which is also taken notice of by Capt. Graydon, and Capt. Powell in his letter of Oct. 5 last insinuating as if the same had occasioned the desertion of his men, (altho' he observes himself to your Lordships that of those who deserted there was but one who could pretend to an arrear) I most humbly lay before your Lops. a state of the subsistence by which your Lops. will find there has been money remitted sufficient to subsist them beyond the 1st May next. By Mr. Huxford's accompt, transmitted to your Lops. by Capt. Graydon, there will appear a difference of 119*l.* 3*s.* 9*d.* by that person's refusing to take notice of the abstracts from time to time sent him, of which the sum of 100*l.* was paid the officers here to enable them to go their voyage, and the remainder paid for discount of tallies, etc., which is to be deducted out of the officers' and soldiers' subsistence in due proportion, according to instructions sent to Mr. Huxford. As to what concerns the old company in particular, for which the subsistence is said to be wanting, whereas Mr. Huxford charges to have paid Lt. Lilburn for 2 years ending Sept. 1, 1700, the sum of 719*l.* 9*s.* 4*d.*, which is 141*l.* 11*s.* more than subsistence for that time, Lt. Lilburn in two accompts of his, which Mr. Huxford himself has signed, owns to have received no more than 677*l.* 18*s.* 4*d.*, which is but 100*l.* above subsistence, which 100*l.* he takes to himself for contingent disbursements for the company, altho' the money was sent for subsistence only, and by this misapplication the money has fallen short, and this trouble given your Lordships. As to the cloathing, which Capt. Powell complains of, I most humbly appeal to your Lordships whether any more than two cloathings have been appointed for the old company, and but one surtout, one hatt, one shirt, one neckcloth, one pair of shoes, one pair of stockings, and one pair of mittens for each of the additional men; and the two great cloathings were such as each of them to serve for two years, except some small necessaries for the second year, as Capt. Powell well knows. As to the contingent money for the said Company, H.M. upon the forming thereof having been pleased to declare his pleasure that a sum not exceeding 50*l.* for one year should be allowed for the same, two payments have been issued pursuant thereunto; the latter of which was immediately remitted to Newfoundland, but the former having been directed while Lt. Lilburn was at the head of the company and part of the money paid to his order and upon his account, the remainder, which was kept for him until his arrival here (being ordered home), has been lately directed by

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the Paymaster General to be further detained to make good what should be found misapplied of the subsistence money, and now that the same appears to have been chiefly occasioned by Lt. Lilburn's taking to himself 100*l.* for contingencies, the Ensign, whose petition lies before your Lordships, and who supported the Company during their want of subsistence, as certified by Capt. Graydon, most humbly prays that the said remainder be paid into his hands, as so much in part of what is due to him from the company on account of their subsistence. *Signed*, J. Thurston. 3*½* pp.

87. ii. An account of the subsistence of the Company at New foundland, formed Sept. 1, 1698. 3 pp. [C.O. 194, 2. Nos. 57, 57.i.-ii. ; and 195, 3. pp. 41-49.]

Feb. 3.  
Doctors'  
Commons.

**88.** Dr. Newton, Advocate of the Admiralty, to [? William Popple]. I humbly conceive that the Act of Carolina, March 1, 170*½*, for regulating the Court of Admiralty is very prejudicial to the Judges and the other Officers of the Admiralty there, by subjecting them to suits and penalties they were not otherwise liable to, and derogatory to the Commission by which the Judge of the Admiralty there acts, the course of proceedings being very different from what is practised in the High Court of Admiralty here, and those matters referred to Juries, which are in the Judge's owne power to heare and determine, both by the Maritime Laws and the tenour of his Commission, whereby great delays may be occasioned, and the subjects' remedy of appeal quite taken away ; and likewise by discouraging the Plaintiffs and Prosecutors on H.M.'s behalf, greater hardships being put upon them in finding bayle, than are required by the Courts of Admiralty here ; by the method of prosecution which in all likelihood may give occasion to greater delays in suits, and greater expences to the parties concerned then in the usual and ordinary method of proceedings in the Admiralty Court, and by putting the Judgment in a manner in all causes into the hands and power of such whose interest it may be to consult their private advantage and the perticular gain of that country more than the true interest of the King and the English Nation, may in all probability lead to the encouragement of unlawful trade. *Signed*, Hen. Newton. *Endorsed*, Recd. Read Feb. 3, 170*½*. 1 p. [C.O. 5, 1261. No. 44; and 5, 1289. pp. 344, 345.]

Feb. 3.

**89.** Minutes of Council in Assembly of Barbados. John Sharpe, Comptroller, Thomas Edwards, Searcher, and Phillip Battersby, Waiter, for H.M.'s duties in the Bridge Town, took the oaths appointed.

Letter from the Council of Trade and Plantations, Nov. 14, 1701, and Nov. 27, 1701, read and entered, with enclosures.

Mr. Attorney General moved that he might have a copy of Mr. Hodges' Memorial in order to reply, which was granted.

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The Assembly attending, the President acquainted them with the necessity of providing some Law against the exporting of provisions.

Thomas Maycock was sworn to his Commission as Judge of the Court of Common Pleas for the precincts of St. Andrews and St. Joseph.

Bill, to prohibit the exportation of provisions to all places except those under the King of England's Dominions, was read three times, passed and sent down.

Memorial from Col. Richd. Kirkby, H.M.S. *Ruby*, read, complaining of the frequent desertion of his seamen by the continual inveiglements of private traders, and proposing an Act to oblige Masters of all Traders to give the same security not to carry away or seduce any seamen from H.M. service under the same penalties which are inflicted for carrying off any inhabitants or servants belonging to the Island without tickets or security given. He further proposed, for the advantage and benefit of the Trade of this Island, and to prevent the continual desertions of merchantmen's men, it being customary now for their seamen, as soon as they have received their pay at this port, to desert from their ships (to the exposal of the interests of the merchants concerned to utter ruin) in order to exact upon the Master of any ship bound home or elsewhere in any agreement to sail by the voyage, which practice is pernicious to the Trade and interests of this Island, that it be proclaimed that such seamen as shall desert from their proper merchants' ships, shall be taken up by the Civil Officers or the Officers of any of H.M. ships, and put on board any of H.M. ships, there to be disposed of to H.M. service.

Some part of this being already provided for by a Law of 1697, ordered that a Proclamation issue to enforce its execution. The part not provided for ordered to be recommended to the Assembly. Ordered that Col. Kirkby be given an attested copy of the Law.

Petition of Richard Gilbert referred to the Committee of Public Accounts. Writ ordered to issue for a new Member of Assembly for the parish of St. Joseph in the room of John Holder, lately gone off the Island.

Mr. John Walter offering to provide for H.M. sick seamen, as his father formerly did, in case this Board will write to the Council of Trade and Plantations in favour of payment, the Board assured him they would so write.

Lt. Col. George Peers given leave to ship salt to Maryland in order to salt pork to be shipped for this Island.

100*l.* paid to Edward Arnell for entertaining the Court of Grand Sessions, and that the remainder of his Bill, 33*l.* 2*s.* 6*d.*, be recommended to the Assembly.

The President was desired to issue his orders to the Keeper of the Stores in the Magazine for the delivering out such powder, shott and arms to the Colonels on their application as shall be thought needful, for such poor people, in case of alarms, as are not able to furnish themselves.

1702.

Ordered that the sloop *Marian and Rebeccah* be taken up for the service of this Island by the Commissioners appointed by the Assemb'y [and] be forthwith got ready to obey such commands as shall be given by the President, in order to discover the condition and force of our neighbours. The President is desired to issue his orders accordingly, and that the Commander be instructed by him that he do nothing contrary to the Treaty of Reswick, the Acts of Trade and Laws of this Island. [C.O. 31, 6. pp. 126-145.]

Feb. 4.

**90.** Journal of Assembly of Barbados. The House met by a special summons from the President. Absent members were fined, and the House waited on the President and Council to know the occasion of their call. A Bill was sent down against the transportation of provisions, and read, but rejected by reason there is already an Act sufficient for that purpose of May 7, 1672, entitled, Concerning forestalling and engrossers of provisions.

Memorial of Col. Richard Kirkby, H.M.S. *Ruby*, relating to his seamen, read and laid by for further consideration.

Ordered that Col. George Peers forthwith provide shot convenient for the Field-pieces.

The above-mentioned Bill was sent up to the Council with the reason of its rejection. The President proposed a Conference, and the Council being absent, the House waited till six o'clock, when, not finding any likelihood of having one now, and to-morrow at Speight's Town the Court of Common Pleas being to hold, they adjourned for a fortnight. [C.O. 31, 6. pp. 447, 448.]

Feb. 4.

**91.** Minutes of Council of New York. Ordered that the Secretary prepare a special Commission of Oyer and Terminer for the trial of Col. Bayard and Alderman Hutchins, committed by this Board for High Treason; that the said Court do begin to sit on Saturday seavennight next, and have power to adjourn de die in diem until that matter be determined; that the Chief Justice and the Assistant Justices be the persons named in the said Commission.

Feb. 5.

It appearing that the Attorney General wants assistance in the performance of his office, Thomas Weaver is hereby constituted Sollicitor General to assist him therein, with a salary of 50*l.* per annum.

Mr. James Emott appeared in behalf of Susannah Vaughton, and the reasons for making good the allegations set forth in her petition were heard and referred to further consideration.

Ordered that the Secretary record the Indian purchase of paulings produced to this Board by Mr. Emott this day in his office. [C.O. 5, 1184. pp. 617, 618.]

Feb. 5.

**92.** Order of King in Council. Approving Representation of Kensington. Jan. 23 upon the petition of Isaac Hawkins, and ordering that the Council of Trade and Plantations prepare an article to be inserted in Governor Crowe's Instructions as proposed. *Signed*, John Povey. *Endorsed*, Read March 6, 170*½*. 1 *p.* [C.O. 28, 6. No. 38; and 29, 7. *p.* 486.]

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Feb. 5.

**93.** Order of the House of Lords for an account of what the Council of Trade and Plantations have done in relation to the Plantation Trade since the last Representation to that House. *Endorsed*, Recd. Read Feb. 6, 170 $\frac{1}{2}$ . [C.O. 389, 17. p. 298; and (*Memorandum only*) 323, 3. No. 114; and 412, 548. p. 309.]

Feb. 5.  
Whitehall.

**94.** Council of Trade and Plantations to the Earl of Manchester. Enclosing draught of a letter for the revocation of Sir William Beeston from the Government of Jamaica, which is to the like effect as we find letters have been sent under H.M. Royal Signature to other Governors upon the like occasion. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *Annexed*,

94. i. The King to Governor Sir Wm. Beeston. Whereas We have thought fit in consideration of your age and the fatigues you have undergone during the late war, and upon your request, to appoint William Selwyn to be our Governor of Jamaica, Our will and pleasure is that upon his arrival and the publication of his Commission, you deliver unto him or such as shall be appointed by him the Seal of our said Island with the public papers and ensigns of Government, and that thereupon, in case your private affairs require your coming to England, you repair to our Royal Presence to give us an account of your transactions in that Government, where you may expect from us the further marks of our royal favour and assurance of our entire satisfaction in your good services during your Government. [C.O. 138, 10. pp. 324-326.]

Feb. 5.  
Whitehall.

**95.** Council of Trade and Plantations to the King. We have considered the evidence upon the petition of William Freeman (*See Dec. 18, 1701, etc.*), and humbly beg to lay before your Majesty a brief account of what appears to us most material in the allegations on both sides. Mr. Freeman in his Petition to yr. Maj. sets forth his title to the said Plantation, as founded upon yr. Maj's. Letters Patent granted in Nevis the 8th of August, 1699; and in his pleadings has further offered to consideration that his Father was formerly possessed thereof, but that having been taken prisoner by the French during the War in 1664 or 1665, he was then obliged (as many other inhabitants of that Island) to sell the same, and accordingly did sell it to one Monsieur De Chambré, a French man; nevertheless, the price having not been fully paid, the Petitioner insists that he has always had an equitable right to the same, derived from his Father, and that your Majtys. foresaid Letters Patent were therefore intended and ought to be esteemed rather as a confirmation of an ancient title, than as a new one; that as to the actual possession thereof, he does not say that he ever obtained it till after yr. Majtys. foresaid grant of the 8th August, 1699. In pursuance of that grant having (as he sets forth) been put into quiet and peaceable possession, and having expended

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several thousand pounds in the improvement of the plantation, he complains that on or about the 22nd of May last, two pretended Justices of the Peace of St. Christophers (Samuel Crook and Stephen Payne, who he says in truth were not Justices), accompanied with one Robert Cunningham, Agent for Colonel Codrington (but pretending to act by an Authority derived from one Madam de Chambré, a Gentlewoman in France) upon a false suggestion, that the said Cunningham had been formerly in quiet and peaceable possession of the said Plantation, and upon a pretended conviction by their own view that the Petitioner's Agents forcibly detained the same against the said Cunningham, did without any tryal of the title, or due process of Law, forcibly enter and take possession of the said Plantation, and of the stock of canes growing upon it, turning out the Petitioner's Agents, John Pogson and Leonard Woodward, and committing them to Prison. He further adds that the said Pogson having thereupon in a Petition to Colonel Codrington, as Governour in Chief, set forth the illegality of those proceedings, and prayed that he might be again restored to his possession until evicted by due course of Law, he could not obtain any answer; but that Colonel Codrington did himself immediately after enter and take possession of the said Plantation for his own use, and still continues to hold and enjoy it. After this Representation of the case, the Petitioner insisting still that whatever his title were, he ought not to have been disposs'd in this manner by a forcible entry upon the view of the Justices, but only by a due course of legal proceedings, he thereupon humbly prays that he may by your Majty.'s Order in Council have liberty to take of his crop now growing, and be restored to his possession untill he be evicted by due course of Law; declaring withall that he is ready and willing to give any security to abide yr. Majty.'s Order concerning the same. In answer to this Mr. Archbald Hutcheson in behalf of Coll. Codrington (tho' as he said not authorized or instructed by him, but on his own accord and from the general knowledge he has of the affairs of those Islands, having lived long there) has offered to us; that the foresaid Letters Patent were obtained by the interest of Captain Norton, then Lieutenant Governour of St. Christophers, who by agreement between themselves was to be equally concerned therein: and that Mr. Freeman at the time of the view made by the Justices was not possessed of the whole Plantation, but only of one divided moiety, the other moiety being then in the hands of Captain Norton, and that in relation to that moiety there were no proceedings made, but the same was without any contest quietly delivered up. That as to the suggestion of Cunningham's having been formerly in peaceable possession, upon which the Justices proceeded to make their view, the matter of fact is, that the foresaid Monsieur de Chambré, his Heirs, Agents, or Lessees, did always remain in possession, untill the time that the English part of St. Christophers was taken by the French in the late War, notwithstanding that Mr. Freeman did in the meanwhile disown their title, and make such applications as he thought proper for the recovery of the

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Estate, but was never able to effect it. That he, the said Hutchison, does not know, whether there be any lease or grant thereof from the said de Chambré now in being, nor whether the same were granted before or since the late War, nor what else has been acted by virtue of any power from De Chambré since the last taking of the Island by the French, but that it appears by Mr. Freeman's own petition that the said Cunningham did act or pretend to act by or under a title derived from the said De Chambré, who has been long in possession, and did therefore set forth that the Petitioners' Agents had wrongfully taken it from him some time since the 8th August, 1699 (the date of his Patent), and did wrongfully detain it at the time that the Justices made their view. That whereas it is pretended that Mr. Cunningham ought not to have proceeded by way of a conviction upon the view of the Justices, but upon an enquiry by way of a Jury; it is true that if he had thought fit he might have taken that method, but that it was equally lawfull for him to choose the other, and that the proceedings in that manner against a profession of less than two years continuance are equally legal and valid. That as to Colonel Codrington's not answering Mr. Pogson's Petition to be restored to possession, the prayer of that petition was not in Coll. Codrington's power to grant, nor could he by his authority doe anything to the prejudice of Mr. Cunningham's possession whilst the conviction by the view of the Justices remained in force, and that the same could only be invalidated by a legal course of proceedings, in which it is not alledged that Coll. Codrington offered to give the Petitioners' Agents any obstruction. And as to what is alledged about Coll. Codrington's being himself entred into the possession of the said Plantation, for his own use, and his continuing to hold and enjoy it, Mr. Hutcheson answered that having no Instructions from Coll. Codrington nor otherwise any knowledge of that matter, he could not offer anything upon it; and therefore upon the whole insisted, that nothing may be done by Order from hence, to the prejudice of Mr. Cunningham's possession, otherwise than in a due course of legal proceedings; nor any Judgment passed in censure of Colonel Codrington's conduct in this affair, untill upon transmitting to him the copy of Mr. Freeman's Petition he may have had opportunity to answer. Whereupon we humbly offer to your Majty. that considering the many uncertaintrys, which remain to be cleared, in order to take a true state of all the circumstances of this case, we are humbly of opinion that a copy of yr. Majty.'s Order in Council upon Mr. Freeman's foresaid Petition, together with a copy of the said Petition etc. of this our report upon that matter, be sent to Coll. Codrington for his answer. That Coll. Codrington be also required not to give any obstruction, directly or indirectly by himself or others, to such legal proceedings as Mr. Freeman shall have recourse to, for the redress of the injury that he conceives to have been done him, by the actings of the foresaid Justices, or otherwise in relation to the Plantation in question. That in case of a sentence in the proper Court of Justice in the

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Leeward Islands, either party that shall think themselves aggrieved may not be hindred from appealing to your Majty. in Council here. That in case of Appeal both partys, as well Defendant as Appellant, be required to give sufficient security to abide by your Majty.'s determination, and to answer all costs and damages that may have accrued against them. *Signed*, Stamford, Ph. Meadows, John Pollexfen, Mat. Prior. [C.O. 153, 7. pp. 389-398.]

Feb. 5. **96.** Order of King in Council, in accordance with preceding Kensington. Representation. *Signed*, John Povey. *Endorsed*, Read March 6, 170 $\frac{1}{2}$ . 1 p. [C.O. 152, 4. No. 82; and 153, 7. pp. 415, 416.]

Feb. 5. **97.** Answer of the Council of Trade and Plantations to the Whitehall. two Orders of the House of Commons, Jan. 19 and 31. An account of the business of the Board transacted 1700, 1701. *See Calendar for those years.* The following abstracts are added :

Exports from Jamaica, Xmas, 1697, to Michaelmas, 1698 :—

Sugar, hhds. (7 cwt. each) .. .. ..	12,461
,, barrels .. .. ..	521
Indico, hhds. (7 cwt. each) .. .. ..	14
,, barrels .. .. ..	914
Pimento, hhds. (7 cwt. each) .. .. ..	68
,, barrels .. .. ..	140
Ginger, bags .. .. ..	2,470
Cotton, bags .. .. ..	913
Logwood, tons .. .. ..	699
Fustic, tons .. .. ..	204
Stockfish wood, tons .. .. ..	60
Cacao nuts, hhds. (7 cwt.) .. .. ..	57
,, ,, barrels .. .. ..	222
Sarsaparilla, bags .. .. ..	83
Brazilietto wood, tons .. .. ..	37
Hides .. .. ..	575
Elephants' Teeth .. .. ..	27
and some small parcels of other sorts of goods.	

Exports from Jamaica, Michaelmas, 1698-Dec. 12, 1699 :—

Sugar, hhds. .. .. ..	10,758
,, barrels .. .. ..	216
Indico, hhds. .. .. ..	3
,, barrels .. .. ..	914
Pimento, hhds. .. .. ..	152
,, barrels .. .. ..	244
Elephants' Teeth .. .. ..	329
Cacao nuts, hhds. .. .. ..	3
,, ,, barrels .. .. ..	10
Cinnamon bark, bags .. .. ..	50
Ginger, bags .. .. ..	1,415
Cotton, bags .. .. ..	1,032
Logwood, tons .. .. ..	1,641
Stockfish wood, tons .. .. ..	761

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Lignum vitæ, tons ..	..	..	..	10
Brazilletto wood, tons ..	..	..	..	3
Ebony, tons ..	..	..	..	4
Lime juice, hhds. ..	..	..	..	192
Tortoiseshell, barrels ..	..	..	..	10
Molosses, hhds. ..	..	..	..	115
,, barrels ..	..	..	..	10
Rum for the other Plantations, hhds. ..	..	..	..	58

Exports from Barbados, March 25, 1699--March 25, 1700 :—

Brown sugar, hhds. (10 or 12 cwt. each)	14,022
,, ,, barrels ..	2,749
,, ,, tierces ..	1,128
White Sugar, hhds. ..	389
,, ,, barrels ..	143
,, ,, tierces ..	119
Brazilletto wood, tons ..	36
Cotton, bags ..	1,048
Ginger, bags ..	5,830
Molosses, hhds. ..	2,673
,, barrels ..	78
Lime juice, tons ..	10
Aloes, Goars ..	160

March 25, 1700—June 24 following :—

Brown Sugar, hhds. (10 or 12 cwt. each) ..	11,462
,, ,, barrels ..	2,922
,, ,, tierces ..	818
White Sugar, hhds. ..	61
,, ,, barrels ..	56
,, ,, tierces ..	20
Ginger, bags ..	5,394
,, hhds. ..	31
,, barrels ..	168
Cotton, bags ..	816
Molossoes, hhds. ..	2,468
,, barrels ..	242
,, tierces ..	186
Rum for the other Plantations, hhds. ..	924
,,     ,,     ,, barrels ..	1,130
,,     ,,     ,, tierces ..	1,042
,,     ,,     ,, kegs ..	100

and some small parcels of wood, aloes and lime juice.

Exported from Virginia, one year with another, from 35 to 40,000 hhds. of tobacco.

Exported from Maryland, one year with another, from 25 to 30,000 hhds. of tobacco. *Note*, that each hhd. of Tobacco usually contains 5 cwt.

By the abstracts of the Custom House Books it appears that the importations and exportations from and to the several Plantations, Michaelmas, 1697-1698, were :—

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	Imported into England, Michaelmas, 1697-1698.	Exported from England, Michaelmas, 1697-1698.	Imported, Xmas, 1698-1699.	Exported from England, Xmas, 1698-1699.
	l.	l.	l.	l.
Barbadoes ..	308,089	146,849	273,947	150,968
Nevis ..	54,748	14,547	74,857	16,477
Antego ..	52,903	20,756	109,440	30,435
Mountserrat ..	24,421	3,369	23,162	7,159
Jamaica ..	189,566	120,774	174,844	136,690
Bermuda ..	2,926	3,970	58	1,330
Carolina ..	9,265	18,460	12,326	11,399
Bahama Islands ..	184	—	—	302
Virginia and Maryland	174,052	310,133	198,115	205,074
Pennsylvania ..	2,720	10,701	4,540	17,062
New York ..	8,763	25,278	16,818	42,781
New England ..	31,254	93,475	26,660	127,277
Hudson's Bay ..	8,031	2,852	4,235	944
	£866,922	£771,164	£919,002	£747,898

*Signed, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 389, 17. pp. 235-297.]*

Feb. 5. **98.** Journal of Council of Trade and Plantations. A Representation upon the Order of Council relating to Mr. Freeman's petition signed.

Letter to the Earl of Manchester enclosing draught of revocation of Sir W. Beeston signed.

Answer to the Orders of the House of Commons, Jan. 19 and 31, signed, and delivered to Mr. Blathwayt to be laid before the House.

Feb. 6. Order of the House of Lords, Feb. 5, read. Directions given for preparing an answer.

Letter from the Earl of Manchester, Feb. 2, with reference to the Carolina Act, etc. was read. Directions given for preparing a report accordingly.

Letter from Mr. Burchet, Jan. 26, read.

Order of Council, Jan. 29, read.

Mr. Docmenic, Mr. Morris and Mr. Sonmans attending in relation to the affairs of the Jerseys, a copy of Mr. Attorney General's draught of a surrender of the right of Government to be made by the Proprietors was delivered to Mr. Docmenic to be communicated by him to the Proprietors of both the Jerseys, in order to their final resolutions. [C.O. 391, 14. pp. 320-323; and 391, 96. Nos. 22, 23.]

Feb. 6. **99.** Governor Selwyn to the Council of Trade and Plantations. I arrived in Jamaica Jan. 21, after the most tedious passage that ever was, and leaving behind us several ships of our company

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from whom we were long since separated in a violent storm, and have got no news, viz., two store ships, one bomb ketch, one fireship and the *Benjamin*, wherein is seven companies of Tiffin's and all my equipage, but the war not being broke out, we hope they may yet come safe, as also part of Col. Brewer's Regiment in the *York*. I cannot yet send any particular account of the present posture of affairs, only in general terms I think everything is in disorder and confusion. We are come to several resolutions in Council for the defence and preservation of the Island, which with what further happens between this and the next ship shall be all transmitted. The chief business in hand at present is to restore the people to the right of civil Justice, who have had no Law but Martial for seven months past, and to try a new Assembly, which I have resolved shall meet March 17. I have recd. your letter of Nov. 5, with the petition of Benja. Way, to which I shall have all due regard. Capt. Bannister, who was left out of the Council, is very uneasy at it, as I hear. I have not seen the gentleman, but am told he has a good character.  
*Signed*, W. Selwyn. *Endorsed*, Recd. 4th, Read May 5, 1702.  
*Holograph*. 2 pp. [C.O. 137, 5. No. 61; and 138, 10. pp. 327, 328.]

Feb. 6.  
St. James'.

**100.** Lords Proprietors of the Bahama Islands to the Council of Trade and Plantations. We received your Lordships' letter, the particulars whereof we are as yet entirely strangers to, having received no advice or letters a considerable time from the Bahama Islands; as soon as any shall come to our hands, we will lay the account we receive before your Lordships, that you may the better be enabled fully to represent the same to H.M. for his directions thereupon, and shall at all times shew ourselves ready to joyn with your Lordships in restraining any disorders committed by our Governor, or any other person employed by us.  
*Signed*, J. Granville, Palatine; Craven, Berkeley, M. Ashley. *Endorsed*, Recd. Read Feb. 17, 170 $\frac{1}{2}$ . *Addressed*. 1 p. [C.O. 5, 1261. No. 45; and 5, 1289. p. 361; and 5, 289. p. 84.]

Feb. 6.

**101.** Minutes of Council of Barbados. At a meeting upon an Alarm. Ordered that the sloop *Thomas and John*, Capt. George Chowne, Commander, be immediately taken up for the service of this Island, forthwith to sail to the Northward about 8 or 10 leagues and there to lye 48 hours, unless he see any considerable number of ships, and if so, he is to endeavour to make what they are, and then to make all the haste he can into the Windward of the Island, and to make the best of his way to relate the same to the President. But in case he see no ships by the time aforesaid, he is to return again to windward of this Island.

Mr. Jona. Sisson having offered his service to go down in the sloop *Marian and Rebeccah*, Richard Gilbert, Commander, which was taken up by the Commissioners appointed by the Assembly for the service of this Island, to send out to get intelligence, his offer was accepted, and the President was desired to issue out

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his orders and instructions to him, for the intelligence from the French Islands, what designs they may be upon, and where their fleet is. Capt. Gilbert to follow Mr. Sisson's orders. The President was desired to issue out his orders to Col. Richd. Kirkby, Commander of H.M.S. *Ruby*, forthwith to put all the vessels in this Road in the best posture for H.M. service and the defence of this Island. Ordered that 20 barrels of gunpowder be immediately delivered out of the Magazine for the use of the Forts, and 8 fuzees and ammunition for the use of the *Marian* and *Rebecca*.

150 fire-arms and ammunition ordered to be delivered to Capt. Maycock for the fortifications within his division.

Ordered that a shallop with her company be forthwith impressed to carry powder and arms to the Leeward fortifications.

Powder and ammunition ordered to be delivered out of the Magazine to Col. Andrews for use of the forts at Read's Bay.

Feb. 7.

Ordered that the forces be discharged till this day sevennight their usual exercise, unless twelve ships or more appear in sight or other lawful summons.

Deposition of Richard Cochran taken that an express about the middle of January by Capt. Robt. Cunningham from St. Xtophers arrived at Antigua to General Codrington, signifying that twelve French men of war from the Havana had joined 30 odd men of war at Martinico, 20 of them being adjudged to be from 70 to 100 guns, and also that he was informed that about two days before he left Antigua, Jan. 26, one Capt. Jones arrived there and brought information that the French men of war were embarqueing all their forces together with some of the inhabitants of Martinico, which were said to amount to 1,200 men, and that all manner of vessels were impeded going in or coming out of any of their ports, the better to conceal their designs. Wherefore it was supposed by a general consent of the people of Antigua that their designs was to take or attempt to take by way of reprizal some or all these Windward Islands in case Admiral Benbo should commit any hostility either on the French or Spaniards below, wherefore General Codrington impressed one sloop or more with design, as Deponent believes, to watch their motions.

Ordered that George Hooper, Jeremiah Biddle, Edward Simpson and others, who are officers attending the Council under the Provost Marshall, be excused from appearing in arms in any of the companies in the Militia during their being employed as officers to the Provost Marshall.

Deposition of James Atkinson, Mariner, setting forth that on Jan. 31, about 10 leagues from Antigua, he saw a light on Monk Hill which he believed was for an alarm to that Island.

Ordered that no vessel be suffered to sail from this Island before Thursday next, or the next sitting of the Council.

Ordered that orders be given to Col. Kirkby and to the Gunners of the respective Forts that they suffer no French or Spanish ships of war to come to anchor in any of the roads of this Island, and that all smaller vessels of those Nations do come to an anchor

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under the stern of H.M.S. *Ruby*, and that Col. Kirkby keep a guard on board such vessel as shall soe be brought to an anchor till further orders from the President and Council.

Ordered that the Assembly be called to meet on Monday, Feb. 9. [C.O. 31, 6. pp. 145-149.]

Feb. 9.

**102.** Journal of Assembly of Barbados. The House met by a special summons. Absent Members fined.

They waited on the President and Council, who informed them that they had good reason to apprehend the speedy approach of an enemy, and earnestly recommended to the Assembly the appointing a Committee of this House or any others they shall think fit to name, as Commissioners to take up such small vessels for fire-ships or to keep off bomb-boats or to send for intelligence as the President and Council shall from time to time find good cause to appoint on emergent occasions, and that the charge thereof be borne out of the Public Treasury. The President and Council delivered the following proposals; (1) That 3 fireships be forthwith effectually fitted. (2) That four or five of the best brigantines and sloops be fitted with store of ammunition, in order to attack bomb vessels. (3) That four Bermudas large, nimble boats be provided to row with as many oars as good place can be found for in them, to be well armed and manned to act in conjunction with the aforesaid brigantines. (4) That an order issue for the taking up all deserting, hidden, straggling sailors in this Island, and that they may be employed for H.M. service and defence of this Island.

Resolved, that the fireships, sloops and boats, mentioned in the proposals laid before this House, be taken up accordingly. Committee appointed for that purpose.

Resolved that the Speaker desire the President and Council to issue out a Proclamation for the taking up all straggling seamen etc., as proposed. The hire of vessels taken up, or their value if lost, to be paid for out of the Treasury.

Resolved, that Mr. Speaker move the President and Council that all persons living in or near the Bridge Town may be immediately enlisted, and appear in the respective divisions where they live.

Resolved that Mr. Speaker move the President and Council that the President may act and appear as General Commander of this Island upon all alarms, and that he may also appoint a general officer to act under him in such case, and that all Collectors and other Field Officers and Members of H.M. Council may act and appear in their respective stations and posts, at such times aforesaid. [C.O. 31, 6. pp. 448, 449.]

Feb. 9.

**103.** Minutes of Council in Assembly of Barbados. The Board met in order to propose to the Assembly in this dangerous conjunction to provide for the public safety in these particulars:—that the Assembly appoint a Committee of their House, or whom else they shall think fit to name to be Commissioners to take up such small ships to make fire-ships or to keep off bomb-vessels,

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or to send for intelligence, as the President and Council from time to time shall find good reason to appoint, the charges to be borne out of the Pubick Treasury.

Ordered that the Keeper of the Stores in the Magazine deliver out to Col. Frere 20 barrels of gunpowder and 3 dozen musquets with ammunition for the use of Oistin's Fort, and 10  $\frac{1}{2}$  barrels powder and 100 musketts with cattoos boxes and bayenets to be distributed among the poor men in his Regiment, who are not able to furnish themselves.

Ordered that the Clause in the Militia Act for the encouragement of servants and slaves that behave themselves well against an enemy be publisht in the Churches next Sunday, and that the Secretary write out attested copies of that clause in order to be so publisht.

Ordered that Col. Tobias Frere and Col. David Ramsay have leave to order two companies of Foot in the Regiment under their command in any posture where they think convenient to exercise with a troop of Horse every exercising day, and that Col. Leslie have leave to exercise his Troop with the Foot and march them in the same posture, if he thinks convenient.

The Assembly attending, Mr. Speaker delivered their resolutions agreeing to the Council's proposal above:—and appointing a Committee accordingly. They moved that the President and Council do issue out a Proclamation for the calling in all straggling and absconding seamen, as was by Col. Richd. Kirkby proposed, and that such men as shall be soe apprehended be put on board the vessels to be fitted out for the service of this Island.

Ordered that the ingredients for fitting out three fireships be forthwith provided by the Commissioners appointed by the Assembly, with all possible speed. The Board accepted Col. Kirkby's frank and ready offer of his advice and assistance in that matter. The proposal of the Assembly is already answered by a Proclamation ordered on the 3rd.

Stores of war ordered to be issued to Col. Thos. Maycock for the use of the Leeward Regiment and fortifications under his command.

Ordered that two of the brass guns upon field-carriages at Fontabell be delivered to Col. Frere for the use of the Windward Fortifications, and one for the Hon. George Andrews, and the other two to Col. Abell Alleyne or his order for the use of the several fortifications within their divisions.

Ordered that six half barrels of pistol-powder be delivered out of the Magazine to the President for the use of the Leeward Regiment of Horse under his command.

Ordered that the bars of lead in the Magazine be forthwith cast into small shot.

Letters and Instructions from the Admiralty, brought by Capt. Maughan, H.M.S. *Kingsale*, ordered to be entered at large in the Council Books.

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Feb. 10. Ordered that no ships sail for Europe till the sloop returns which was sent towards Martinico.

Ammunition ordered to be delivered to Col. Andrews for the use of the Regiment and Forts under his command.

It is the request of this Board that Capt. Kirkby stay here with H.M.S. *Ruby* till Feb. 18, because by the intelligence we have that the French lately had at Martinico about 50 ships of war and 12,000 land forces rebarquing about 10 days ago, and by the information of a Master of a sloop that run up the side of Martinico on Wednesday last [Feb. 4—*Ed.*], [who] believes that they were gone thence, for that he saw but few vessels at Fort St. Peers Harbour, and being also informed by John Norman's deposition that on Jan. 18 last he saw 10 men of war turning up from the westward to Martinico, which were part of those that about three months ago went from Martinico under the Command of M. Coetlogoon to join the 15 ships of war that lay there on the 7th and 23rd of January last, according to the depositions of Evan Parris and John Norman, in expectation to be joined with other French forces:—these reasons considered, this Board hath good cause to suspect that the said French forces may be intended against this Island, and may be now standing far to the northward with design more commodiously to obtain the Windward part thereof, and may reasonably infer the same by M. Coetlogon coming so far from the Westward to join the ships at Martinico, in order to pursue some designs in these parts. [C.O. 31, 6. pp. 149—158.]

Feb. 9. **104.** Minutes of Council of New York. Petition of Mathew Clarkson, Lancaster Syms, Robert Walters, Richard Slater, John Cholwell, Cornelius Depeyster, Leigh Atwood, Barne Cosens, and Caleb Heathcote read. The said persons were allowed to be the first discoverers, and the other matters referred to further consideration.

Petition of Col. Bayard and John Hutchins was read, praying their tryall may be respite to the usual sitting of the Supreme Court, and altho' it appeared to the Governor and Council that the suggestions of the petition, whereon their prayer is grounded, are altogether false, yet, in favour to the said petitioners, it is ordered that some further time be allowed, and that the special Commission of Oyer and Terminer be not opened till Thursday next come seavennight.

Ordered that the Attorney and Solicitor General prosecute them for High Treason then, and that the Clerk of the Council give them notice thereof.

Ordered that Paroculus Parmyter, late Naval Officer, do lay before this Board all Books, bonds, and papers relating to his late office.

Ordered that the High Sheriff of Westchester appear before this Board on Thursday seavennight, and bring with him Jonathan Scifern, John Horton and Joseph Purdy.

The late Naval Officer appearing and refusing to deliver the Books, *etc.*, in contempt of the above Order, ordered that the High

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Sherrif of the City and County of New York do seize on and secure them, if found, and inventory the same before two witnesses, and give an account thereof to this Board.

Feb. 10.

The High Sherrif having seized the books, etc., as ordered above, ordered that he deliver them to Thomas Weaver and James Evitts, who are required to view the same and report to this Board on Thursday next the state and condition they shall find them in. [C.O. 5, 1184. pp. 618-620.]

Feb. 10.  
Whitehall.

**105.** William Popple to John Sansom. Requesting a return of goods imported and exported to and from St. Christopher's for two years last past. [C.O. 153, 7. p. 399.]

Feb. 10.  
Whitehall.

**106.** William Popple to the Attorney General. Enclosing for his opinion in point of law an Act of St. Kitts, June 18, 1701, *For settling and strengthening H.M. part of that Island.* Mr. Mead and some other Proprietors of Plantations in that Island will attend you with their objections, etc. [C.O. 153, 7. pp. 399, 400.]

[? Feb. 10.] **107.** William Freeman, William Mead, and the Lady Ann Stapleton to the Council of Trade and Plantations. Petition, on behalf of themselves and other Proprietors of lands in St. Kitts, that since in an Act lately made there "for the settling and strengthening of H.M. part of that Island," there are several clauses which are not only destructive to many of H.M. good subjects, but also to petitioners' estates and their titles to land in that Island, a day may be appointed for this to be heard, before report is made to H.M. thereon. *Signed,* Wm. Freeman, Wm. Mead, Ann Stapleton, Frances Duport, John Helot. *Endorsed,* Recd. Read Feb. 10, 1701. 1 p. [C.O. 152, 4. No. 83.]

Feb. 10.  
Whitehall.

**108.** Journal of Council of Trade and Plantations. Secretary ordered to write to Mr. Sansom.

Mr. Mead presented a petition against a late Act of St. Christophers, which was read. Ordered that the Act be sent to Mr. Attorney General for his opinion in point of Law. Mr. Mead was acquainted that he and the other Petitioners may offer their objections to Mr. Attorney as they think fit.

Ordered that Mr. Hutchenson have notice to attend to-morrow.

Feb. 11.

Orders of Council, Dec. 18, considered. Ordered that Mr. Mead and Mr. Hutchinson attend to-morrow.

Feb. 12.

Mr. Mead, attending, acquainted the Board that he has not received the exemplification of the Appeal certified by Mr. Quarne, the Secretary of Antego, to have been granted by Col. Codrington and the Council of that Island, Sept. 6 last, nor does he know anything, directly or indirectly, of its being arrived in England. Mr. Hutchinson, attending, acquainted the Board that what he has offered upon occasion of Mr. Mead's petition has been done only upon his own voluntary inclination to vindicate Col. Codrington from the reflections cast upon him,

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but not by any Instruction from him, adding solemnly that he does not believe Col. Codrington to have any manner of interest in the suit between Herbert and Mead. As to Herbert's concern, he leaves it to be managed by Mr. Merryweather.

Further progress made in the Report under consideration relating to the petitions of Mead and Shipman. [C.O. 391, 14. pp. 324-328; and 391, 96. Nos. 24-26.]

Feb. 11.  
Admiralty  
Office.

**109.** Josiah Burchett to William Popple. I have communicated to my Lord High Admiral your letter of Feb. 2, and his Excellency did yesterday discourse with the Navy Board about that matter. Formerly the Navy did send a large chain for a boom for the security of St. John's Harbour, but it was then agreed that the Officers employed by the Ordnance should take care for the fixing thereof, and buoying it with masts, and the rather for that the country does abound with trees fit for that service, and in regard the performance of a work like this is altogether remote from the business of the Navy and consequently ought not to be done at the charge thereof, H.E. does not doubt but the Principal Officers of the Ordnance will take the necessary care for its being done. *Signed*, J. Burchett. *P.S.*—The Officers and Companies of the ships that next go to Newfoundland will be directed to assist in this service. *Endorsed*, Recd. Read Feb. 17, 170 $\frac{1}{2}$ . *Addressed*. 1 p. [C.O. 194, 2. No. 58; and 195, 3. pp. 34, 35.]

Feb. 11. **110.** Minutes of Council of the Massachusetts Bay. 400*l.* paid for work on the Castle.

John Viall of Boston, brewer, paid 31*l.* 18*s.* for 116 barrels of beer supplied to the Castle garrison, Aug. 9-Dec. 9.

John Jepson, Carpenter, paid for new shingling the Town house.

Thomas Powell and John Roulstone of Boston, Innholders, paid for entertaining several Indians lately sent by the Eastern Indian Sagamores on a message to the Government.

Licence granted to John Borland, Merchant, of Boston, to erect a building on his orchard at the N.W. end of Atkinson's Lane, provided that if he raise a steep roof thereon he shall cover the same with slate or tile.

Licence granted to Samuel Wentworth, shopkeeper, of Boston, to erect a timber building for a crane and salthouse upon his wharf abutting on the Mill Creek lying before the Bakehouse of Richard Tally.

Licence granted to Thomas Adkins of Boston, housecarpenter, to erect a timber building on the land formerly belonging to Peter Butler decd., nigh unto the North Burying-place.

Licence granted to Richard Keats to build a cowhouse near to his dwelling-house at the Southerly end of the Town in Seven Star Lane.

Licence granted to Andrew Belcher to substitute boards for roughcast in the building of the warehouse for which he formerly received licence. [C.O. 5, 788. pp. 115-117.]

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Feb. 12. 111. John Sansom to Mr. Popple. Enclosing following  
 Custom House, account. *Signed*, Jno. Sansom. *Endorsed*, Recd. Read Feb. 17,  
 London. 170 $\frac{1}{2}$ .  $\frac{1}{3}$  p. *Enclosed*,

111. i. Account of exports and imports to and from  
 St. Christophers:—

To London, Xmas, 98—Xmas, 99.

Brown Sugar	..	..	..	513 cwt.
Tamarines	..	..	..	150 lb.
Wool Cotton	..	..	..	1 bag

To the Out Ports .. .. .. Nil

To the Out Ports, Xmas, 99—Xmas, 1700.

Lignum Vitæ	..	..	..	36 cwt.
Melasses	..	..	..	11 cwt. 1 qr.
Brown Sugar	..	..	..	1,459 cwt.
Succaos	..	..	..	24 lb.
Wool cotton	..	..	..	2 cwt.

From London, Xmas, 98—Xmas, 99.

Iron wrought	..	..	..	2 cwt. 2 qr.
Pewter	..	..	..	1 qr.

From London, Xmas, 99—Xmas, 1700.

Apothecary ware	..	..	..	1 cwt.
Apparell	..	..	..	4 suits
Beer Strong	..	..	..	11 tun 31 gall.
Books printed	..	..	..	14 lb.
Hatts Castor	..	..	..	1
Hoops, barrel	..	..	..	14,600
Iron wrought	..	..	..	2 cwt. 2 qr.
Leather wrought	..	..	..	28 lb.
Pewter	..	..	..	14 lb.
Silk wrought	..	..	..	1 lb.
Stockings, men's worsted	..	..	..	6 prs.
Canes, headed, value	..	..	..	4l.
Pictures, value	..	..	..	6l.
Turnery ware, value	..	..	..	4l.

1 p. [C.O. 152, 4. Nos. 84, 84.i.; and 153, 7. p. 409.]

Feb. 12. 112. Minutes of Council of New York. Edward Antill produced an Order of H.M. in Council, June 12, 1701, declaring the decree of the Governor and Council, June 22, 1700, in favour of Abraham Depeyster against Valentine Cruger reversed and set aside.

The Commission of Oyer and Terminer prepared by the Secretary in obedience to an order of this Board, Feb. 9, being approved of, the Justices therein mentioned took the oaths appointed by Act of Parliament, with an oath for the due execution of the said Commission, and subscribed the Test and Association, and Thomas Weaver took the said oaths, *etc.* Ordered that the Clerk of the Council go to Col. Bayard and Alderman John Hutchins and acquaint them that a Commission of Oyer and Terminer is this day issued for their trial on Thursday. [C.O. 5, 1184. pp. 620-622.]

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Feb. 13. **113.** Council of Trade and Plantations to the King. We have examined the petitions of William Mead, Wm. Shipman, and Thomas Harvey (see *Cal. A. & W.I.*, Dec. 18, 1701), and finding the complaints to be principally against Gov. Codrington, have heard Mr. Mead and Col. Codrington's Agents. *Arguments summarised.* It appearing that an Appeal to your Majesty has been duly granted, it seems to be incumbent upon the petitioner, Mead, to lay the same before your Majesty, in order to your Majesty's determination thereon, without which the proceedings made in the Leeward Islands cannot legally be reversed, nor the petitioner have any remedy, unless he do show cause why such an appeal, granted as aforesaid, has not had its further progress. And wheras Mead alledges that he suffers daily great damages by being kept out of the possession of the [Harvey's] Plantations, we humbly offer that when he shall bring his appeal before your Majesty in Council, a day be appointed for the speedy hearing and determining the same. And in relation to Col. Codrington's conduct in this matter, we further offer that copies of the foresaid petition be immediately transmitted to him, and that he be required to return a speedy answer thereunto; as also that he take all possible care that the Petitioner be not upon any account prejudiced by any forcible or irregular proceedings. *Signed,* Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 153, 7. pp. 400-408.]

Feb. 13. **114.** Council of Trade and Plantations to the Board of Ordnance. We desire you would send us an estimate of the value of the stores and materials of war mentioned in the enclosed paper as soon as may be, it being necessary for H.M. service that we be acquainted therewith. *Signed,* Stamford, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *List appended:*—100 great guns, 12*ft.* long, with a suitable proportion of shot and all other ordnance stores for them. 50 cannon of 24 to 18*lb.* ball, and 2 mortars, with granadoes and bullets in proportion. 4,000 hand granadoes with fuzees. 600 firearms. 400 heads for half pikes. 20 long sakers. 12 guns for a small Fort, 6 guns 12 pounders, and 6 18 pounders, with shot. 4 long sakers, 500 saker shot, and 20 barrels of cannon powder. Masts for floating a chain at the entrance of St. John's Harbour in Newfoundland, with a boom and necessaries for fixing the same. [C.O. 324, 8. pp. 68, 69.]

Feb. 13. **115.** Journal of Council of Trade and Plantations. Representation on Orders of Council, Dec. 18, relating to Mr. Mead's and Mr. Shipman's Petitions, signed.

Letter to the Board of Ordnance signed and sent.

Report to the House of Lords, in pursuance of their Order of Feb. 5, considered.

Feb. 14. Further progress made with report to the House of Lords. [C.O. 391, 14. pp. 328-330; and 391, 96. Nos. 27, 28.]

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**116.** Minutes of Council of New York. Petition of Barne Cosens read and referred to a Committee. Petition of Col. Caleb Heathcote read, praying a patent issue under the Seal of the Province to him, Robert Walters, Leigh Atwood, Cornelius Depeyster, Richard Slater, John Cholwell, Mathew Clarkson, Lancaster Syms, Robert Lurting, and Barne Cosens, under a moderate quit-rent, for a tract of land in the County of Westchester, bounded northerly by Croton River, easterly with Byram River and Bedford Line, southerly by the land of John Harrison and his associates and Rye Line stretching to Byram River, and westerly by the land of Fredrick Phillips and Bronks River, petitioners having purchased the same of the Indians, and granted ; the Attorney General being indisposed, ordered that a warrant issue to the Solicitor General to draw a patent as desired, under a yearly quit-rent of 6*l.* 5*s.*, New York money, and that the Secretary engross the same and affix the seal of the Province thereto. [C.O. 5, 1184. p. 622.]

Feb. 16. **117.** Council of Trade and Plantations to the House of Lords. Whitehall. Reply to Order of the House, similar to that given to the House of Commons, Feb. 5. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Mat. Prior. [C.O. 389, 14. pp. 299-386 ; and 389, 37. pp. 310-415.]

Feb. 16. **118.** Journal of Council of Trade and Plantations. A memorial signed by Mr. Cater in the name of Mr. Bate and Mr. Prisick, desiring copies of the Article relating to Appeals in the Instructions of all Governors of Barbadoes since that Island has been governed by virtue of Commissions from the Crown of England ; and desiring likewise the inspection of the Instructions to the Governors of all H.M. other Plantations upon that subject, being offered to the Board, and read, the said paper was returned to Mr. Cater, and he was told that their Lordships do not conceive it proper for them to give copies of or communicate the Instructions given by H.M. to his Governors without his particular directions.

Answer to the Order of the House of Lords, Feb. 5, signed, and the Earl of Stamford was desired by the Board to present it to that House.

Feb. 17. The Earl of Stamford acquainted the Board that he had done so. Letter from Mr. Sansom, Feb. 12, read.

Letter from Mr. Burchett, Feb. 11, read. Their Lordships resolved to take into their consideration to-morrow morning the business relating to Newfoundland. Mr. Thurston to attend.

Letter from the Lords Proprietors of the Bahama Islands, Feb. 6, read.

Draught of a report ordered some while since to be prepared upon the Carolina Act relating to the Admiralty being laid before the Board, their Lordships thought fit in the first place to acquaint the Lords Proprietors with the matter. Letter ordered accordingly. Mr. Cole presented a Memorial to the Board (Feb. 17) relating to duties laid in Carolina upon ships belonging to England, and also a Memorial relating to irregularities in the

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Bahama Islands ; of both which matters he promised to make affidavits, and to get other affidavits made before a Master of Chancery by other persons, and to lay them before their Lordships.

Feb. 18. Letter from the Earl of Manchester (Feb. 17) read, and an answer returned thereunto. [C.O. 391, 14. pp. 330-335 ; and 391, 96. Nos. 29-31.]

Feb. 16. **119.** Minutes of Council of Virginia. H.E. laid before the At the House Council the Letter of the Council of Trade and Plantations, of Col. Matthew Page, in Gloucester County. Aug. 14, 1701, with the Order of the Lords Justices, July 31, 1701, which were read and referred to a further Council. Letters of the Council of Trade, Aug. 20, and Mr. Popple's letter, relating to Mr. Lewis Burwell, read. Ordered that copies be sent to him ; and that he return an answer at the next meeting, whether H.M. Order constituting him of the Council here be yet come to his hand.

Ordered that a full Council be held at H.M. Royal College of William and Mary on March 11.

Whereas by several late advices from England it appears that the French King hath, contrary to his faith and in open violation of the Treatys made with H.M. King William, presumed to proclaim the pretended Prince of Wales King of England, *etc.*, and that thereupon a general war will in all probability ensue wherein H.M. our dread Sovereign, his Kingdoms and Dominions are likely to be deeply engaged, H.E. and the Council have thought fit to appoint Wedn., March 11 next, to be kept and observed by H.E., the Council, the Trustees, Governors, President, Masters and Scholars of H.M. Royal College of William and Mary as a day of fasting and humiliation ; and that divine service be then read, and a sermon suitable to the occasion preached before them within the said College. March 18 to be observed as a day of fasting and humiliation by all other the inhabitants of this Colony. Proclamation ordered accordingly. Proclamation for proroguing the General Assembly to March 25 signed.

Leave granted to Capt. James Moodie, Commander of H.M.S. *Southampton*, to careen her when and where he thinks fit. Warrant ordered, to enable him to impress carpenters required, not belonging to merchants' ships.

H.E. undertook to advance Capt. Moodie the 50*l.* he required for buying sails for the sloop.

Capt. Moodie complaining that two of his men were harboured and detained on shore, and particularly one of them, Wm. Horsfeild, above this three months by Alex. McDaniel and Edwd. Cawlip of York County, as appeared by Horsfield's deposition, ordered that Mr. Benjamin Harrison prosecute McDaniel and Cawlip. Samuel Selden by his petition complaining of several dilatory and illegal proceedings of the justices of Elizabeth City County in a suit depending in that Court between him and Robert Beverley, ordered that a copy of the petition be sent to those Justices for their answer at the next meeting of Council.

H.E. and Council taking into consideration that many very loyal and dutiful Addresses have been presented to H.M. from

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most of the Counties and Corporations, etc., in England, testifying their resentment of the French King's presuming to proclaim the pretended Prince of Wales King of England, etc., do conceive it proper that notice be given to all the Commanders in Chief and other officers of the Militia, and to the Justices of the Peace of the several Counties, that the like Addresses from them would be very agreeable to demonstrate their Loyalty and Affection to H.M. person upon this occasion.

There being no person constituted Clerk of the Council, William Robertson was appointed to take the Minutes of this meeting. [C.O. 5, 1409. pp. 193-195.]

[Feb. 17.] **120.** Mr. Cole to the Council of Trade and Plantations. On June 26, 1701, I arrived at New Providence, came just within the Point to anchor, the Governor's boat came aboard requested me ashore. I said I would waite upon him as soon as I was drest. Before I could doe it, he fired a shot at me. When I came ashore he bid me welcome, but dam'd me, and askt why I did not come sooner? I told him I had not been an hour and half at anchor. He tould me I should pay eighteen shillings for the shot. I said it was not just. He churlishly asked for all my letters, and charged me upon my oath to deliver them every one to him. I said it was more than ever was demanded of me under any Government. He said he would have them. I tould him as for the public letters he might do what he pleased with them, but private and particular letters of my own business I should not deliver. The Public letters I see him open. About two hours after, being in a public house with him, a Gentleman of the place in discourse said it was hard that every private man's particular affairs should be known by the public. I chance to say it was a barbarous act. The gentleman, Mr. Lightwood, saying it was not just, the Governor presently drew upon him, and swore Dam him, he would murder him. Mr. Lightwood clasping hold of the sword, prevented him. He still swore and dam'd that he would murder somebody or other, if they should contradict him in any such thing, for he would do what he pleased. About four in the afternoon he met Mr. Graves, the King's Collector, in the street, and asalted him after this manner, " You pittifull Custom-house officer, you Rogue, if ever you goe aboard of any vessel before my boat has been aboard, I'll rost you alive, you dog." Mr. Graves answered his Commission ordered him to go aboard of all vessels within that government when he thought it necessary, therefore he was oblidged to do it. " God damme you, you rogue," replied the Governor, " I'le go aboard yea [? you]" and so flew upon him and beat him with his cain most sorely. Mr. Graves endeavoured to defend off the blows with his hatt; he with one hand took hold on his hatt, and with the other beat him over the head with the head of his caine, and then committed him to the Fort prisoner, and ordered irons to be put upon him (as the Marshall told me), but could not find any that would fit him. The Governor gave him liberty to come out of prison this evening. Saturday the 28th, I went to Mr. Graves to enter,

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but he was so abused that he could not wright my permit. I did it, as he dictated, then he (with much paine) signed it.

Sunday, 29th, appeared two saile, which give an allarum, being all at arms in the Fort. Some said it was a read seaman (*sic*). The Governor answered, "I wish it may, he shall be very welcome," but it proved a Portuguese, belonging to the Agento [? *Assiento*], who left her negros on Abbico, having been lost in the Gulf, and in great want of provisions. He would not let any go aboard but his creatures, that he might ingross all the Trade to himself. I had several European goods with provisions of Carolina, which he wanted. The Governor would have bought the provision of me, but at half the price. I would not sell it him, for which, I was informed, he swore he would be revenged of me. Soon after the arrival of the Portugues he endeavoured to hire a sloop to fetch his negroes. The Governor would not lett any body agree with him but whom he pleased. At last he agreed with Reed Elding, who was forced to promise the Governor to give one third of what he should agree for, which was 200 pistolls. They went for them and in three days return'd back again. In this time several arbitrary actions was committed on the poor people who brought fresh provisions to sell to the Portuguese, it being by the Governor's house where they came ashore, he seeing them, took it away and paid what he pleased. If they went away seeming not contented, he would swear and dam them, he would cut their ears off.

Aug. 3. Was brought in by a privateer, or if more justly may be called a pirat, and the Governor, whose Commission was to bring in all vessels that they should find amongst Lucaos Islands, except those that had cleirings from England. A Bermudion's sloop laying amongst them mending her sails, they takes him by force of arms, he nothing in but provisions for his company, and brings him here to condemn him as a prize, puts two of the men prisoners in the Fort with irons, but before that brings them before him, and as his accustomed way is, Hectors, swears and dams them, and sometimes ready to strike, calling them thieves, rogues and doggs, with threats that he will put them to their oaths against their master and Goddam them if he catches them in the least tittle not agree, he would cut their ears off, whipp them and hang them (as the prisoners themselves informed me). A lad of about 18 years old, being thus affrighted, did owne that about two years agoe the sloop took in about 800 bushels of salt at Turks Islands, which is not in the jurisdiction of this government. On Aug. 4 the sloop was to be tried, the jury was summoned, but no declaration fil'd, the defendant could not know what he was accused for, but the declaration was read in Court, and the sloop accused for loading salt at Turks Islands. The Master could get nobody to plead his cause, the people generally are so afraid of the Governor, he espousing the prosecution, so that they durst not speak or doe justice in noe terms, if he dictated the contrary, he ruling these poor people by such an arbitrary power. The Court was adjourned till the 7th. On the 5th, I went to the Governor's man, the Naval officer,

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to know my Port Charges, thinking to sail this day. He told me it was  $3l. 6s. 0d.$  and  $70lb.$  of powder, or  $3s.$  per tun, which would be  $10l. 10s. 0d.$  I said it was very unjust, the Law and Custom of the place was  $14s.$ , Naval Officer fees, and  $\frac{1}{2}lb.$  of powder per tun. He said it was in vain for me to dispute it, for the Governor swore I should pay it. I answered it must be in such arbitrary government as this, otherwise they would not exact it.

At ten in the morning the Governor went aboard his ship and hoisted his flag, and bore his shipp athwart the Harbour. I coud not find anybody had given him a challenge, therefore know not the meaning of it. But soon after he fired a shot up the Harbour, then two more at my ship, and, as I was told, he said of me that I was a prodigal dogg, sink him, but I'le beare you out in it. At length I was tould it was to put out my coullers, but my men being gone about five miles off, and I ashore, had nobody to put them out. I presently ordered a boy aboard to doe it, but before he could, the Governor sent his boat with six men, and by force and violence took them away. The people told me of it. I answered, it was a drunking frolick, and to-morrow they would send them again. The Governor came ashore. I did not go to ask for them, lest his being hot in drink should quarrell with me. He finding I did not come, send his man for me at 3 in the afternoon, and churlishly asked why I would not pay my Naval Officer's fees. I answered, I was ready to pay what the Law required, his demands were unreasonable. He said if he had been there, he would have broke my head for saying [soe] if I must pay it, it must be by arbitrary power. I said, I did not say it to him, but to his man, the pretended Naval Officer. He swore, dam me, I should pay him presently before I went. I answered, I had not so much money about me, but if his Honor pleased I would leave my coat in pawn, before I would be prisoner myselfe, till I fetched it. He dam'd and curst me, and askt why I did not pay my powder. I said I was ready to pay what the Law of the Country required, which was  $\frac{1}{2}lb.$  per tun. He swore I should pay a pound, for no Laws in that country was in force till he made them ; then I was not obliged to pay anything but what was customary. He swore I should pay what he pleased. I told him I was ready to pay what he required, let his man, the officer, give me a receipt, that I might answer it to my owners. His reply was, No, dam you for a dog, he shan't. Then I said, Let me but bring two of my men to justify what I pay. I won't differ with your Honor. "No, you dogg, I won't." "Neither," said he, "you shall not goe to the Pond to load." "If your Honor had told me so at first, I had taken other measures ; when your Honor offered me my load of salt at  $5d.$  per bushell ready money, you told me of no such thing." He swore I should not goe.

At 6 in the morning I was summoned to wait upon the Governor from his door to Church. At 8 I went to the Castle and found men at arms about thirty. They marched out the Fort and drew up before the Governor's door, all the Gentlemen of that place standing there, being summoned to wait upon him to

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Church. If they did not, they must expect to be beaten, if not ruined in their intrist, so that the people are miserable living under such arbitrary and military Government. After Sermon we returned to the Governor's door very orderly, where we was dismissed.

Monday the 7th, at 6 a.m. I went to the Naval Officer to cleare, who demanded 3*l.* 6*s.* 0*d.* for his fees. I desired the particulars. He answered, He durst not give it me, for he was but a servant of the Governor's, and was ordered the contrary. I said I would send my Mate with the money. He answered, he dare not take it of anybody but myself, nor in presence of anybody. I then waited upon the Court where I was summoned for a Juryman in trial of the sloop. The Court being set, the Governor came in, set himself by the Judge, called for the list of the jury, found my name there, ordered me to depart the Court. I said I was summoned. He bid me gone. I desired liberty to stay and hear the trial, but he would not grant me it. I was forced away. No sooner was I gone, but he swore I was an impudent dog, he would break my head before I went thence, before the whole Court, as I was informed. After the Governor had paect the Jury, he left them and on the trial the Master of the Sloop and his Attorney desired them to prove the jurisdiction of the Court of that place, Turks Islands, and by evidence, if they would permit him, he could prove the Lords' pattern (*? patent*) did not extend to that, but was not granted it, but a sham Instructions of the Lords Proprietors was brought into Court, wherein, as the Judge would have it, the Lords has ordered that if any vessel loaded with salt there, they should be confesticated (*sic*), which the jury took for granted. The Master and his Attorney speaking in defence of his right, the Judge struck his hand on the table, and swore if they speak a word more he would commit them both to prison. So condemnation put upon the vessel.

At 2 p.m. I sent my mate with 3*l.* 6*s.* to pay my Naval Officer's fees. The Governor told him it should not be received without I came myself, and at the same time called me all the rogues and villins he could imagine, and swore he wd. break my head. I was forced to send 70*lb.* of powder. I durst not deny it, least he should murther me, he having this day wounded a man in the arm in two places with his sword, the man with some others being on the Guard. He was at least 65 years old; he had committed no other fault than letting the Captain of the Portegues ship goe into Reed Elding's house, being just by where they landed, this poor old man not being able to run from him as the rest of the Guard did, he wounded him as aforesaid. I carried my mate with me to desire at the Secretary's offices the Act of the Country for paying port charges, to justifie before my owners the unjust (*sic*) done there, but could not get it. At 6 p.m. I see the Secretary goe to the Governor's, and as I judge told him of it. The Governor came to Towne. As soon as I see him, I made away, having foreseen his barbarous and inhuman actions. He sent his Marshall after me, who brought me back his prisoner. I forced myself into a house, seeing the Governor

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come with his caine to strike me. The Governor and Marshall followed me, he beate me, pulling me by the neckcloth and the Marshall by the Arm about the floor, and abusing me in a most barbarous manner, cutting my face with the head of his caine, and broak my head so that I bled very much, then committed in custody of his Marshall, sent me aboard, damming and cursing me in his most brutish way, saying I'll teach you to ask questions.

Thursday, 8th. Being very much out of order, I sent my mate ashore to cleire, I being not able to go myself, he having given me most cruel and barbarous bruises, so that my urin was like blood. I was much afraid he had given me my mortal wound by some of those barbarous kicks he gave me on the back and belly when I was hawled by him and his Marshall on the ground. When my Mate came before him he curst him and said he would break his head, and bid him be gone, and sent for me ashore by his Marshall. I was not in a capacity to come. He then sent his boat with five men and a black ruffin fellow Commander, who came after a ruffin manner to my cabbin side, and said the Governor ordered me to come ashore and bring my ship before the Fort. I thought he would serve me as he had done the Bermudian. I told him I was not in a capacity to come, I was so abused by him. He said I must, if not, they would fetch me. So with much pain I went to the Governor. He then after his brutish way, abused and curst me, and said he'd teach me how to obey command. I said, I thought I was to obey the Laws. "No, you dog, I'll make you bring your ship before the Fort, or else it shall be worse for you. So for fear of being murther'd by such a New-England-Canade-Indian, whose nature is most barbarous, I ordered my men to do it, before he should send his rogues to robb and rapin upon me. He further said I did not tell him when I took brazeletto wood aboard, and for that my ship was forfeited. I said I had a permit from the King's Collector so to do, and that I had done nothing contrary to Law. He said I had cheated in the weight, and that I should land it all and weigh it. I offered my oath with the Gentleman's that I bought it of, but he said he would take no man's oath. I left him. He once told me I was one of Mr. Aymo's creatures, that pittiful rogue. I answered I was not his creature, nor had nothing to say against him. My ship was brought down before the Fort and at 2 p.m. the Bermudion's sloop was exposed to sail. She was bought for 335*l.* Providence money.

Wednesday 9th at 6 a.m. went to the Governor before he was warmed with drink to get him to accept the people's oath I bought the wood of, though before that it was not customary. At last he said he would, but swore I should not go to the pond to load salt, but should hire sloops to fetch it (which was another villainous act), but said he would hire me the Bermudion's sloop, which he took from the Bermudion the day past. I thanked him, and said I would consider of it, but was resolved to have nothing to do with such an ill man, lest I should bring myself into a worse trouble, he being Judge and Jury and everything, and what his will and pleasure is must be a law. The 10th, the Gentlemen

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I bought the wood off gave their oaths of the weight, I also did mine, all this being out of pure malice to put me to trouble and charge, because I would not suffer my owners and self to be devoured by him. At 6 a.m. I went to the Governor to desire him to let me goe to take in my salt which I had bought, and ready to pay the Lords' Tithes. He said he would consider of it, and bid me come about 2 hours after. This delay was no other than to force me to pick myne owne pocket and give it him. He sent one of his creatures to me, who speaks that language, but I could not do it, I told him. At time appointed I went to him again. At last he granted me liberty to go on this condition, to say you shall take your oath that you shall carry no man's letter of this Island, but shall be brought to me, and that I should pay for the salt after the rate of  $13\frac{1}{2}d.$  per bushell, which I bought for  $4\frac{1}{2}d.$  He asked me to present him with two bever hats. I told him I had none. He answered that my Pilott had. I said I must pay him 50s. per hat. His creature, the Judge, being by, said what signified 5l., place it to account. I said my owners would not allow it me. The Governor swore, begod he would have them, or I should not goe, soe, to redeem myselfe and ship out of prison and saverly (*slavery*) I was obliged to comply with all his unjust demands. At 10 o'clock I sent a white beaver's hatt to him, he having a black one before. I went not neare him, for generally in the afternoon he is hott with drink, and then cares not what he does, so that the poor inhabitants are in danger of their lives, as well as strangers, if they do not give away what they have to him, and sell it him at such terms as he pleases. Sure I am there is a juster Government amongst Piratts and Thieves than under him. His Marshall is one of those rogues that belonged to that great pirate, Avery, and one of them that ran away with the *Charles* from Carolina. Friday at 6 a.m. I went to the Governor to see if he would let me go. I told him I brought money to pay his demands. I requested a receipt. He gave me one, but would not mention what money I paid him. He told me I might have my bever hatts again. I sent for them, but he would [? only] send me one. I gott my cleirings, and bid him and Providence farewell as long as he governs. *No signature.* *Endorsed, Recd. Read Feb. 17. 1702. 7\frac{3}{4} pp. [C.O. 5, 1261. No. 46; and 5, 1289. pp. 362-380.]*

Feb. 17.

**121.** Earl of Manchester to the Council of Trade and Plantations. The enclosed heads of a Bill for reuniting to the Crown several Proprietary Governments in America, and particularly Pennsylvania, being put into my hands that I might lay them before the King, I thought it was fit to take your Lordships' advice and opinion in the matter, and therefore desire you will please to consider them, and let me know what objections you have to any of them, whether they will suite all the proprietary Governments, as well as Pensilvania, and whether they will answer the ends of your late Representation, and that you will send me your thoughts upon them in writing as soon as conveniently may be, that I may lay both before H.M. at the

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same time. *Signed*, Manchester. *Endorsed*, Reed. Read Feb. 18, 170 $\frac{1}{2}$ . 2 pp. *Enclosed*,

121. i. Heads for a Bill for reuniting to the Crown several Colonies under Proprietary Governments, particularly that of Pensilvania. (1) That the Military Government by land and sea be reunited to the Crown. (2) That the person the King deputes his Commander in Chief may have the superintendency of the officers of his Customs and Admiralty for the security of his Revenue. (3) That the Civil authority and Administration rest where they are, as they do in those Corporations in England, where the King has his Governours. (4) That nevertheless the proceedings in case of Justice shall be in the King's name. (5) That Appeals ly to the King in all causes above the value of 300*l.* sterl., which hath been his direction to other Colonies. (6) That a King has a Negative to any Law that shall be made in the Province, whereby the King in effect hath the Legislature and Jurisdiction vested in him. 1 p. [C.O. 5, 1261. Nos. 47, 47.1. ; and 5, 1289. pp. 381, 382.]

Feb. 17.

122. Michael Cole to the Council of Trade and Plantations. Having for this eight years past ben employed in trading to Carolina for London, where is my habitation, I have in that time got a decent livelihood, but the people of that Province since the last Peace having noe employ for their vessels in the South partes of America, have lately taken upon them to send them home for England, with skins and furrs, etc. But finding the ships belonging to England which uses that trade has occasioned their ships not to have a freight so ready as they would, they have therefore taken upon them to make an Act that all skins or furrs exported from that Province in any vessel not belonging to that place shall pay for every such skin or fur 1 $\frac{1}{2}$ d., and on their owne vessels but  $\frac{3}{4}$ d. I endeavoured to get a copy of that Act, but could not. The difference is about 3*l.* per tun, or half of the freight. So that the ships belonging to England must lay there till the wormes shall eat their bottoms out. *Prays that* such unjust Laws may be made void. *Signed*, Mich. Cole, Master of the *Friends' Adventer*. *Endorsed*, Reed. Read Feb. 17, 170 $\frac{1}{2}$ . 1 p. [C.O. 5, 1261. No. 48 ; and 5, 1289. pp. 359, 360.]

Feb. 17.

123. Journal of Assembly of Barbados. House met by virtue of a special summons. There being but 13 members present, adjourned for three weeks. [C.O. 31, 6. p. 449.]

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124. Minutes of Council of Barbados. Ordered that Capt. Gilbert with his sloop, lately returned from the French Islands, forthwith go down again towards Martinico and the rest of the French Islands, to procure what further intelligence he can, and that an order be sent to Capt. Goodwin, gunner of Needham Fort, to suffer the said sloop to sail.

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Ordered that no vessel whatsoever be suffered to sail out of this Road until we have further intelligence of the French forces at Martinique, and that the officers give out noe dispatches for any vessels till further orders.

Ordered that Col. Kirkby be desired to stay some further time till the sloop, this day sent to the Leeward Islands for intelligence, return, it being for H.M. service and safety of this Island, and that this Board might be the better furnisht with advice to give an account thereof to Admiral Benbo.

Ordered that the thanks of this Board be given to Jona. Sisson for his readiness and good service done H.M and this Island by the late trip he made in Capt. Gilbert's sloop. The consideration of his charges therein recommended to the Assembly.

Ordered that an Order be drawn empowering Col. Peers, the Keeper of the Stores at the Magazine, to impress any gun-smiths for repairing arms that need it.

60 musquett and ammunition ordered to be delivered to the Hon. Col. David Ramsay for the poor men in his Regiment who are not able to furnish themselves.

Stores of war ordered to be delivered to Col. Abell Alleyne for the Hole Fort, etc.

Ordered that Capt. George Maughan, H.M.S. *Kingsale*, get ready his ship with all possible expedition to cruize about this Island, and to return on Monday next unless he discover any fleet before, then he is to make the best of his way in to give an account thereof, and give the signal by constant firing a single gun as he comes along-shore.

Ordered that the Commissioners of the Fortifications be required forthwith to buy up timber and press Carpenters for the repairing of the carriages of the guns in the several fortifications.

Ordered that letters be sent to the absent Members of this Board, and to the General Assembly to meet on Tuesday next, to consider of the disposal of the arms, etc.

Ordered that the several Colonels make a return upon Tuesday next of all persons that were deficient upon the late alarm. [C.O. 31, 6. pp. 158-162.]

Feb. 17. **125.** Minutes of Council of Bermuda. This Board taking into consideration the daily expectation of the breaking out of a warr in the West Indies, and there being a great reason to hope that H.M. will send vessels as cruisers about these Islands, and that other H.M. ships of war may be at this juncture occasioned to touch at these Islands for relief and accommodation, and taking notice that the provisions in these Islands as live beef, turkeys, shoats and fowls are in great quantities daily exported, whereby not only H.M. ships may be greatly disappointed, but also these Islands will be rendered uncapable to support their own occasions, unanimously ordered that from the publication hereof no master of any vessel export any live cattle or creatures whatsoever, except only for their necessary use. [C.O. 40, 2. p. 45.]

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**126.** Minutes of Council of New York. Petition of Col. Heathcote read, praying a grant and confirmation of land purchased by him of John Richbell in the County of Westminster, as also of land purchased by the said Caleb Heathcote of the Indians in the said County, and that the same land may be erected into a manor by the name of the Manor of Scharsdall. Ordered that a writ of *ad quod damnum* issue to the High Sheriff of Westchester to inquire into the premisses. Petition of Caleb Heathcote, Joseph Theale, John Horton, Joseph Purdy, Robert Walters, Leigh Atwood, Mathew Clarkson, Lancaster Syms, Cornelius Depyster, Richard Slater, John Cholwell, Robt. Lurting and Barne Cosen, setting forth that the four first named have purchased of the Indians a tract of land in the County of Westchester bounded southerly by the Colony line of Connecticut, easterly by Mahaaras River, northerly by Bedford line and marked trees to Maharas River again, and southerly as the said River goes against the stream to the head of the said River, and so to the said Colony line, which land is contained within a larger tract, part of which is yet unpurchased, and the Indians being unwilling to sell the same to Petitioners, and the said four petitioners having agreed with the other Petitioners with relation to the premises, and praying a patent for the first mentioned parcel of land and a licence to purchase the remainder from the native Indians, the same was granted. The Attorney General being indisposed, ordered that a warrant issue to the Solicitor General to prepare a draft of the Patent under the yearly quit-rent of 1*l.* 17*s.* 6*d.*, New York money, there being 1,500 acres thereof improveable, and the Secretary ingross the same and affix the Seal of the Province thereto. Ordered that a license issue as desired, provided the land be purchased and a return made to this Board within 12 months.

Petition of John Depyster, Mathew Clarkson, Lancaster Syms and John Cholwell read, praying a license to purchase lands in Orange County upon the head of Hackensack Sadle and Pasaick Rivers, and granted, provided the purchase be made and returned within 12 months. [C.O. 5, 1184. pp. 622-624.]

Feb. 18.  
Newcastle in  
New  
Hampshire.

**127.** Mr. Sheafe to the Council of Trade and Plantations. I lately seized some enumerated commodities imported from Massachusetts Province without security there given for its being landed in some other of H.M. Plantations. The particulars of the trial I now send to the Commissioners of H.M. Customs. If this trade be permitted, it will much prejudice H.M. interest in these parts, for under pretence of bringing such commodities hither, they will carry the same into any foreign market. I refer you unto the Lt. Gov.'s letter, who hath been and is very zealous for H.M. service, and without whose assistance I should have been overpowered, as I have formerly been. The generality of the inhabitants aiming at nothing more than to discourage the legal effecting of that which hath been enacted by so many good Laws of the Kingdom, declaring their opinion that the strict execution of the Acts of Trade is the ruin of these

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Plantations, I pray your Lordships will give such effectual orders as shall be most suitable etc. *Signed*, Sampson Sheafe, Dy. Coll. *P.S.* I pray your Honours' directions may be here before August next, else shall be obliged to deliver the cotton-wool. I desired the Court here to grant me an Appeal, but it was denied because by an Act of this Province no Appeal can be under 100*l.* *Endorsed*, Recd. 11th, Read May 13, 1702. *Addressed*. *Postmark*. 1 *p.* [C.O. 5, 862. No. 94; and 5, 910. pp. 211, 212.]

Feb. 18.  
Whitehall.

**128.** Council of Trade and Plantations to the Earl of Manchester. We have considered the heads which came enclosed in your Lordship's letter of the 17th, and find that they can in no way be adapted to the Proprieties in generall, or that they are proper for Pennsylvania in particular. The chief ends proposed by the design of reuniting the Proprieties to the Crown being, that these Colonies should be able to afford each other a mutual assistance; that illegal trade and piracy should be prevented, and a better administration of justice observed; that the inhabitants of each country should be restrained from running off to any of the neighbouring Colonies; and that the produce of the whole should be turned to the benefit of England. To these ends, in our opinion, the heads we mentioned do no way contribute, nor can we propose anything more proper on this occasion than the Bill which was offered to the House of Lords, the last sessions, the contents of which Bill have been duly weighed and examined. *Signed*, Stamford, Jno. Pollexfen, Mat. Prior. [C.O. 5, 1289. p. 383.]

Feb. 18.

**129.** Minutes of Council in Assembly of the Massachusetts Bay. The Representatives attending, the Council communicated what they had decided was necessary to recommend:—The probability of a rupture betwixt the Crowns of England and France, which was expected would have hapned before this time, and by the late intelligences seems to be hasting forward, urges the necessity of making all suitable and early provision for the safety and defence of the Province, particularly for the completing of the Fortifications begun on Castle Island. Since your last recess, some Indians have been here with a message from the Eastern Sagamores. Their proposals and our answers shall be laid before you. The substance of their message was for supplies of provision and cloathing, which have been furnished. The account you will receive from Mr. Treasurer.

Feb. 19.

Mr. Treasurer laid before the Board an accompt of the Treasury, which, after perusal, he was directed to lay before the Representatives.

Feb. 20.

Resolve of the Representatives sent up that the Treasurer emit 3,000*l.* in Bills of Credit, and that 1,500*l.* thereof be applied to the carrying on the Fortifications on Castle Island, 500*l.* to the procuring of provisions for the Castle, and the remaining 1,000*l.* towards payment of the Province Debts, with a clause to empower the Committee for the Castle to exchange said Bills for money. This resolve was read and referred.

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The whole Court came together in the Council Chamber and heard the differences between the towns of Rowley and Bradford, between Taunton, Dartmouth, Little Compton and Tiverton, between Boxford and Topsfield, and between Sherborne and Framingham.

Feb. 21. The hearing of the difference between the Towns of Sherborne and Framingham was continued. [C.O. 5, 788. pp. 197-199.]

Feb. 19. **130.** Board of Ordnance to the Council of Trade and Office of Plantations. Having lately received a letter from Captain Michael Richards at St. Johns, Oct. 31 last, wherein he tells us that nothing will contribute more to the finishing the works there then assistance from the men of war, we send your Lordships an extract thereof, and desire your Lopps. will take into consideration how the help he would have may be effected, and for order to be given therein accordingly. *Signed*, C. Musgrave, J. Pulteney, Wm. Boulter, Ja. Lowther, Jon. Charlton. *Endorsed*, Recd. Read Feb. 24, 170 $\frac{1}{2}$ . 1 p. *Enclosed*,

130. i. Extract of letter from Capt. Michael Richards to the Board of Ordnance referred to in preceding. 1 p. [C.O. 194, 2. Nos. 59, 59.i. ; and 195, 3. pp. 36-38.]

Feb. 19. **131.** Order of the House of Commons, that the Commissioners of Trade and Plantations do lay before this House what complaints have been made against Col. Codrington, and what they have done thereupon. *Signed*, Paul Jodrell, Cl. Dom. Com. *Endorsed*, Recd. Read Feb. 20, 170 $\frac{1}{2}$ .  $\frac{1}{2}$  p. [C.O. 152, 4. No. 86; and 153, 7. p. 410.]

Feb. 19. **132.** President and Council of Barbados to the Council of Barbados. Trade and Plantations. Having lately received various intelligences of a fleet of 30 odd sayle of French men of war that have been at Martinique near two months under the command of M. Chatternout (*Château-renaut* ?) we transmit enclosed copies, which we have also sent to Admiral Benbow by H.M.S. *Ruby*, commanded by Col. Richard Kirkby, who has shown great zeal to serve H.M. interests in this Island, being here left to supply the place of the *Ludlow*, who went home with my Lord Grey, until H.M.S. *Kinsale* should come hither. But after the many reasons we had to suspect the French had designs to fall upon this or some of H.M. Leeward Islands, by the preparations they were making at Martinique and other Islands of landing boats and other things, we were this day informed per the Master of a sloop, the *John and Thomas*, that the French fleet was last Friday night seven leagues to the leeward of Guardaloupe, standing a course west-north-west, which must needs carry them Leeward of all our Islands. Our best care and diligence have been constantly employed to render this Island as defensible as we can, but we cannot be without some doubtful apprehensions until we are strengthened with one of H.M. Regiments and supplied with the great guns humbly proposed, Dec. 30 last. We have dispatched

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the ship that brings this with all haste. *Signed*, John Farmer, Prest., Geo. Andrews, Pat. Mein, Wm. Sharpe, Michael Terrill, David Ramsay, Thomas Merrick, Saml. Cox. *Endorsed*, Recd. 17, Read April 24, 1702. 2 pp. *Enclosed*,

132. i. Deposition of Roger Morgan, Commander of the *John and Thomas*, Feb. 19. On his way from Jamaica to Barbados, coming to leeward of Guardaloup, about 7 or 8 leagues distant, Feb. 13, deponent saw 35 sail of large ships and other vessels sheering away W.N.W. as he believes, French vessels, three whereof he did see to carry white flags, and one of the men that went to the topmast head saw one flag-ship more. *Signed*, Roger Morgan. *Endorsed*, Recd. April 17, 1702. *Copy*. 1 p.

132. ii. Deposition of John Cranston, Commander of the sloop *Elizabeth and Sarah*, Feb. 17. On Jan. 26, 1701 (1702), being forced in by stress of weather to Fort St. Peers in Martineco, deponent saw 17 sail of French men-of-war, among which was a flag-ship of 96 guns. Deponent was forced on board the flag-ship and detained there 3 days, during which time he was informed by the French seamen that their design was to attack Barbados. He was informed that there lay at Fort Royal 19 French men-of-war more, all fit for line of battle. During his stay, arrived a packett boat from France, which brought news, as he was informed, that peace still continues between England and France. Upon which news Deponent had liberty to depart this Island. *Signed*, Jno. Cranston. *Endorsed as preceding*. *Copy*. 1 p.

132. iii. John McArthur, President of the Council of St. Christophers, to Governor Codrington. St. Christophers, Jan. 28, 170 $\frac{1}{2}$ . By a private hand and friend I have lately received some intelligence, which came from Martinico, of the French design to make a general attack upon all the Islands under your Government, the ground work for these proceedings is said to be framed by their King and particular instructions were delivered M. Shaternoë [Château-renaut] upon what account and how he is to direct his measures. M. Shaternoë immediately upon his arrival at Martinico dispatched two light frigates for Carthagene to inform themselves whether the English and Dutch fleet lay before that city and had besieged it, and whether they had killed any French or Spaniards, and so to make the best of their way up again to Martinico. If it proves that any attempt be made, M. Shaternoë is to attack this Island and Nevis at the same time, six frigates are to fall down to Basterre and there land 2,000 men, and thereupon M. Corpoun is to march into the English Windward quarter with his men, whom he has privately called together at a

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place called the Convent and given them strict orders to be in a readiness and attend his command, if he cannot force his way through to join another party that is bye [sic] Cayane River, then his if possible to encamp at Colonel Crisp's, and to keep that post till supported by the party from Coyau, and after they have subdued that part, to drive all before them, men, women and cattle, to the mean body at Basterre, from thence they are to march to Col. Lambert's house, there to make their mean camp, the ships at the same time to fall down and batter against Charles Fort, and the bomb ketches to play into the same, whilst from the land they bomb Brimston Hill, at the same instant M. Shaternoë with the rest of the Fleet and men are to attack Nevis, upon which they are advised by a person of that Island, whom they stile their friend, to land somewhere near Morton's Bay, where they will have no occasion to make use of bombs; they make sure of Monsieuratt upon an agreement the two men, as was intimated to your Excellency not long since, made with the late French General, that when the French fleet came near they would throw out a white flag four square, and if presently after they perceived it after to fly triangular-wise, they might immediately land with assurance of having the Island surrendered up to them; they also affirming to the French General they only wanted to secure two men there and then the rest would be easily subdued, which they would take care to effect. After this Island and Nevis are taken, then M. Shaternoë is with all his forces to attack Antigua. They also expect 20 sail of men-of-war into Martinico in case M. Shaternoë should sail for leeward to drive on the same project. On board the fleet are a Regiment of Switz, another of Villeroy, a third of Anjou and two Regiments more of old soldiers. *Signed*, John McArthur. *Endorsed as preceding*. *Copy*.  $2\frac{3}{4}$  pp.

132. iv. Deposition of John Norman. Barbados, Feb. 3, 1702. On Dec. 25, deponent on board the sloop *Constant Jane* ran under the lee of Martinicco, where at Port Royal he saw three Flagships, carrying as he was informed, the Spanish flag, and that there was a ship of 100 guns, besides which there lay twelve pendant ships. He saw at Port St. Peers a broad pendant and about 12 sail of ships, which had no pendants hoisted. On Jan. 5 he anchored in a bay near the middle of the length of Dominico; there lay wooding and watering a French man-of-war of 56 guns, having a flag at foretopmast head, a pendant man of 50 guns and another of 70 guns, two large fire ships and a large fly-boat, which was an Hospital Ship. They had on shore several large tents and very many huts made with bushes for their sick men. On Jan. 4 he saw the six last mentioned ships

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standing over to Martinico. On Jan. 18, deponent, being then on board the sloop *Friendship*, Thomas Balgay, commander, being between Martinico and Dominico, saw 10 men-of-war turning to windward to get into Port St. Peers, a flag at mizen topmast head, the ship's pendants not hoisted. On Jan. 23, by Port St. Peers lay 14 men-of-war, having two teer of guns run out, three of which were flags, and all their colours hoisted, firing many guns. *Signed*, John Norman. *Endorsed as preceding*. *Copy*. 2 pp.

132. v. President and Council of St. Christophers to Governor Codrington. Jan. 28, 170 $\frac{1}{2}$ . We thought it our duty by an immediate express to acquaint you that our latest intelligence gives us an account of a cravett arrived at Martineque with orders from the King of Spain to M. Chasteaurenaut, which put a stop to his design of sailing to Leeward, he being at the same time she came in weighing his anchor. There is now in the Road of Basseterre one of their store ships loaden with wine and provisions, she being drove down to this Island by the hard winds. By her is advice of the arrival of two men-of-war, the capt. of whom had a very private conference with M. de Gennes for three or four hours, and presently after went under sail for Martinique, but by a very good hand we learn that the same ship had before carried up the Governor of Guardaloupe to Martineque, and after six hours stay brought him down again, and so came directly hither. Since his going from hence, we are advised that the result is to fall on these Islands, and that it is resolved they shall begin their first attack upon Nevis and this Island at the same time, and that they design to draw 1,500 men from their Windward Islands. We have concluded to order every 10th negro to work on the Forts and clear the mountain path with utmost expedition, and have put 50 barrels of beef and 10 of flour into Charles Fort, designing 50 and 20 more to be purchased as soon as possible. If anything of moment offers before your Excellency's coming down, we shal be sure to signify it by an early dispatch. This morning arrived here from Nevis two companies of men, one whereof is not full. *Signed*, John McArthur, Mich. Lambert, Sam. Crooke, John Garnett. *Endorsed as preceding*. *Copy*. 2 pp.

132. vi. Deposition of Evan Parris, master of the *Graysberry* sloop. Barbados, Jan. 14, 170 $\frac{1}{2}$ . *Signed*, Evan Parris. *Endorsed as preceding*. *Copy*. 2 pp. *Duplicate of No. 8.ii.*

132. vii. Deposition of Giles Fifield, commander of the *Dolphin* sloop. *Duplicate of No. 8.iii.* *Signed*, Giles Fifield. *Endorsed as preceding*. *Copy*. 1 $\frac{1}{2}$  pp. [C.O. 28, 6.

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*Nos. 39, 39.i.-vii. ; and (without enclosures) 29, 8.  
pp. 1-5.]*

Feb. 19. **133.** Order of King in Council. Upon the Representation Kensington. of Feb. 13, ordering that Wm. Mead do lay before H.M. in Council the Appeal mentioned, as soon as may be. Also ordering, with regard to Col. Codrington, as recommended in the Representation of Feb. 13 *q.v.* *Signed*, John Povey. *Endorsed*, Read March 6, 170 $\frac{1}{2}$ . 1 p. [C.O. 152, 4. No. 85 ; and 153, 7. pp. 417, 418.]

Feb. 19. **134.** Council of Trade and Plantations to the Lords Proprietors of Carolina. Having been required by his Majesty to consider of an Act past in Carolina the 1st March last, entitled, *An Act for the better regulating the proceedings of the Court of Admiralty in Carolina and the Fees of the same*, together with a letter complaining of the said Act as injurious to the Judge and other Officers of that Court, derogatory to his commission and tending to the encouragement of unlawfull trade, we have thought it convenient in order to the report we are to make thereupon, to take the opinion of Councill learned in the civil law, more especially in relation to the inconsistency of that Act with the powers and authorities belonging to the Judge or Court of Admiralty in Carolina by virtue of his Majesty's commission and with the methods of proceedings which ought to be there observed ; and being willing also to understand what your Lordships may have to say upon that matter, we send you here enclosed a copy of the opinion we have received, for your consideration and such answer as you may think fit to returne to us, as soon as conveniently may be. *Signed*, Stamford, Ph. Meadows, Jno. Pollexfen, Mat. Prior. *Annexed*,

134. i. Copy of Dr. Newton's opinion on the above-mentioned Act. [See Feb. 3.] [C.O. 5, 289. pp. 84, 85 ; and (without enclosure) 5, 1289. pp. 384, 385.]

Feb. 19. **135.** Journal of Council of Trade and Plantations. Letter Whitehall. to the Lords Proprietors of Carolina signed.

Feb. 20. The Earl of Manchester sitting on the Board :—

Upon discourse about a Bill to be brought into the House of Lords for reuniting the Proprietary Governments in America to the Crown, their Lordships continued in their former opinion, agreeing that the proposals made by Mr. Penn, which were enclosed in the Earl of Manchester's letter of Feb. 17, are no ways fit, but that the same Bill which was before the House of Lords last year may be very expedient.

Order of the House of Commons, Feb. 19, read. Directions given for preparing copies of all papers relating to the matter referred to, in order to an answer.

Sir Wm. Robinson, Mr. Jenkins, Sir Wm. St. Quintin and Mr. Maister offered to the Board certain papers relating to the *Providience* of Stockwith, John Lumby, Master, seized and condemned in Pennsylvania by Col. Quary, Judge of the Admiralty there, desiring their Lordships would please to send to

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Col. Quay in order to an enquiry into the matters therein contained. Col. Quary ordered to attend on Wednesday, with these Gentlemen. [C.O. 391, 14. pp. 335-338; and 391, 96. Nos. 32, 33.]

Feb. 19. **136.** Minutes of Council of Barbados. The Hon. Col. John Leslie was sworn in the Commission of the Peace.

Ordered that the vessels agreed to be taken up, Feb. 9, be taken up by the Commissioners appointed by the Assembly. Commissioners appointed and empowered to impress such vessels as they shall think fit for carrying on that design, and agree for all things necessary for fitting out the same, to be paid for by the Public Treasury. 200*l.* paid to the Commissioners for that purpose.

This Board receiving intelligence by the deposition of Roger Morgan, Commander of a sloop, who, in his way from Jamaica, about 7 or 8 leagues to leeward of Guardaloope, saw 35 sail with white flags steering west-north-west, have thought fit not to desire Col. Kirkby to stay any longer, but to make the best of his way according to Admiral Benbo's orders to him, and that all vessels bound from this Island may have liberty to sail when they are ready. [C.O. 31, 6. pp. 162, 163.]

Feb. 19. **137.** Minutes of Council of New York. Petition of Samuel Staats, Cornelius Claesen, Abraham Provoost, Garrit Garritse, and Barent Staats read, reciting their petition of Jan. 26, and setting forth that the land therein mentioned is altogether a swamp, not manurable and hardly worth anything, and therefore praying a lycense to purchase from the Indian Proprietors 5,000 acres adjoining thereto. Granted, provided the purchase be made and returned to this Board in the 12 months, and that the granting thereof be not prejudicial to any other person.

Petitions of John de Pue, and of Daniel Lake and others read. Both appearing to be for a patent for one and the same parcel of land, ordered each be served with a copy of the other's petition; and that they both appear on Tuesday to make good their allegations.

15*l.* paid to Jacob Staats, Chyrurgion, for his salary Oct. 7, 1700—Oct. 7, 1701.

Antill brought before the Board a writ of Error in the cause, Cruger *v.* Depyster, and desired the same might be sealed, which was done. Jonathan Serifen, John Horton, and Joseph Purdy, together with the High Sheriff of the County of Westchester, appeared as ordered Feb. 9, and were examined in relation to libels signed by themselves and others in the County of Westchester. [C.O. 5, 1184. pp. 624, 625.]

Feb. 20. **138.** Edward Randolph to the Council of Trade and Plantations. I humbly inclose a duplicate of an Address from the Assembly in Carolina to the Earle of Bathe and Lords Proprietors of that Province, sent me in a letter of Oct. 13, from Mr. Robert Stephens, one of the Representatives. He writes

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me that Mr. Job. How, their Speaker, had sent the original to the Earl of Bathe. Major Johnson, a gent. of that Province, told me yesterday that 'twas delivered to Mr. Amer some time ago, but heard nothing of their meeting to consult about it, stifling that as they have done all other publick papers from that Province. I therefore humbly pray your Lordships will please to be informed from the Lords Proprietors what methods they agree upon for supplying the inhabitants with great and small Artillery, etc., necessary for their present defence: otherwise that your Lordships will please to direct the prosecuting the Bill for reuniting the Proprietary Governments to the Crown, for want whereof all his Majesty's subjects in the Proprietary Governments will be in great danger to be lost. *Signed*, Ed. Randolph. *Endorsed*, Recd. Feb. 21. Read Feb. 23, 170 $\frac{1}{2}$ . *Holograph*. 1 p. *Enclosed*,

138. i. Representatives of South Carolina to the Earl of Bathe, Palatine, and the Proprietors of Carolina. Charles Town. Having just cause to fear a war is already or will immediately break out, and thro' your Lordships' Province being a frontier to the Spaniards and French, who have threatened to attack us and have lately attempted by their spies to withdraw the Yammase Indyans from us to them, and so to incite the other Indyans to make war upon us, and this Province being altogether incapascitated for a defence for want of sufficient arms and ammunition, we do humbly pray your Lordships that you would be pleased to send to this Province six guns of 24lb. pounders, six guns of 18 pounders, six guns of 12 pounders, six small field pieces, 10 small patereras, 20 blunderbusses, 200 fusees, 12 doz. of hand grenadees, 200 cutlasses, 3 cwt. of match powder, great shot and fusee bullets proportionable, without which it will be morally impossible for us to make our defence, etc. 1 p.

138. ii. Address of the Council and Representatives of West New Jersey to the King. Burlington, May 12, 1701. *Recapitulates the disorders of the Province and prays that* Col. Andrew Hamilton may be confirmed as Governor. *Signed*, Edward Hunloke, P., William Biddle, Tho. Gardiner, George Deacon, Jon. Beere, John Thompson, Andr. Robeson, of the Provincial Council; Saml. Jennings, Speaker, Mahlon Statys, Francis Davenport, Restore Lippingcot, John Scott, Tho. Wilkins, John Adams, John Rambo, Thomas Thackera, John Kay, Archaball Miggle, Simeon Ellis, Phillip Paul, Saml. Hedge, W. Hall, Joh. Woodecock, John Bacon, John Reading, Cler. 2 $\frac{1}{2}$  pp.

138. iii. Governor and Council of East New Jersey to the King. *Recapitulates the disorders of the Province and prays that* H.M. would command the inhabitants to yield their obedience to the Proprietors' Commission until the trial at Bar be had, or H.M. pleasure be further

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known. *Signed*, And. Hamilton, Saml. Dennes, John Bishop, Saml. Hale, Benj. Griffith, Wm. Sandford. 2 pp. [C.O. 5, 1261. Nos. 49, 49.i.-iii.]

Feb. 20. **139.** Lt. Gov. Partridge to the Council of Trade and Plantations. Since my last despatch, Sept. 8, nothing worthy your Lordships' notice hath occurred except a seizure made of some enumerated commodities by the officer of H.M. Customs here, viz. four bags of cotton wool and three barrels of tobacco brought from the Massachusetts Province, into this Port, without having given security for its being landed and put on shore in some other of H.M. Plantations as the Acts of Parliament direct, which was the only cause of the Collector's seizure here. The case came to trial, where a certificate from the Deputy Collector of Boston was produced as evidence against the King, which certificate the jury declared was the only cause of bringing in their verdict against the King. The Collector hath sent the coppie of the whole case to the Treasury and Commrs. of the Customs. There is a writ of delivery directed to the Sherriffe to cause the Collector to deliver said cotton-wool, or seize his person, which I have stopped the Sherriffe in making any return till the second Tuesday in August next, against which time I humbly pray your Lordships' directions. *Signed*, Wm. Partridge. *Endorsed*, Recd. 11, Read May 13, 1702. *Addressed and sealed*. *Postmark*. 1 p. *Enclosed*,

139. i. Certificate of the Deputy Collector at Boston that the enumerated commodities in the sloop *Speedwell*, were lawfully imported from Barbados by the *Hopewell* and exported by the above sloop for Newcastle. Boston, Aug. 25, 1701. *Signed*, Wm. Payne, Dep. Collector. *Endorsed*, Recd. May 11, 1702. *Copy*. 1 p. [C.O. 5, 862. Nos. 95, 95.i.; and (without enclosure) 5, 910. pp. 209, 210.]

Feb. 23. **140.** Council of Trade and Plantations to the House of Commons. In reply to the Order of the House, Feb. 20, enclosing copies of papers containing complaints against Col. Codrington and our proceedings thereupon. *Signed*, Stamford, P. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 153, 7. pp. 410-414.]

Feb. 23. **141.** Journal of Council of Trade and Plantations. Copies of the papers relating to complaints against Col. Codrington were laid before the Board, and a Report was signed wherewith to present them to the House of Commons, which Mr. Blathwayt was desired to do. Mr. Henry Baker, Solicitor of the Treasury, acquainting the Board that the Earl of Manchester has directed him to solicit the Bill wh. is to be brought into the House of Lords for reuniting the Proprietary Governments in America to the Crown, Ordered that all papers in this office relating to the Irregularities in Proprietary Governments be communicated to him.

1702. Letter from Mr. Randolph, Feb. 20, read.

Feb. 24. Letter from the Board of Ordnance, Feb. 19, read and ordered to be taken into consideration with other papers relating to Newfoundland.

Draught of Instructions for Col. Dudley in the Government of the Massachusetts Bay agreed upon. Ordered that he have the perusal thereof, and of his Instructions for New Hampshire (which are now in hand), when ever he will call.

Feb. 25. Sir Wm. St. Quintin and Mr. Jenkins attending on the one side, and Col. Quary on the other, in relation to the *Providence*, a copy of John Lumley's Register with a certificate of its having been delivered to him Oct. 12, 1698, was laid before the Board; and an affidavit made by Thomas Smith, Supercargo in that voyage, was read, and a copy delivered to Col. Quary for his answer, and more particularly that he may explain how the money proceeding from the sale of the said ship and goods has been disposed of. [C.O. 391, 14. pp. 338-342; and 391, 96. Nos. 34-36.]

Feb. 23. **142.** Minutes of Council in Assembly of the Massachusetts Bay. Petition of John Eames, Samuel Eames and Nathaniel Eames, sons and heirs of Thomas Eames of Sherborn was read, praying this Court's confirmation of some land which the Indians of Natick consented their father should have out of their township, to be included in the lands by them exchanged with Sherborn. The petition being contested by Sherborn, both parties were heard by the whole Court.

Feb. 24. Ordered, upon the difference of Taunton, etc., that the charge of building the bridge over Taunton great River be defrayed one half by Taunton and the other half by Tiverton, Freetown, Little Compton and Dartmouth according to their proportions as they were assest to the Province tax in May, 1700.

Ordered, upon the difference between the Towns of Rowley and Bradford, that the boundary remain as appears was anciently agreed to by Rowley upon their allotting out Merrimack land (*given in detail*).

Petition of the Town of Marblehead praying the Court's consideration of the import of that harbour, and to make provision for fortifying of the same, was sent up from the Representatives with the resolve that 40*l.* be allowed the Town towards the repair of their fortifications and for stores of war, provided the Town spend 60*l.* more. Resolve concurred with.

Samuel Gallop, Sherif of Bristol, reimbursed his charges in endeavouring the capture of Daniel Wilcox of Little Compton, 1693, who had since satisfied the fine laid upon him.

Feb. 25. Upon the case of Eames *v.* Sherborn, it was resolved that the Indians' sale of land be confirmed.

Petition of Samuel Lillie of Boston, merchant, praying for an abatement of duty upon the logwood that may be saved from the *Mary*, cast away upon the rocks before Marblehead, granted.

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Petition of Francis Foxcroft that the duty on 300*l.* value of European commodities, the gift of H.M. to the French Church, be remitted, granted.

Ordered that the bounds between Boxford and Topsfield be settled according to the report of the Committee appointed June 1700 (*quoted at length*).

Memorial of Col. Elisha Hutchinson of what he judged necessary for H.M. service at the Castle was sent down, with a reminder to the House of the Memorial presented to this Court in May last by the Commissioners sent into the Eastern Parts as to the state of H.M. Forts at Saco and Casco Bay. [C.O. 5, 788. pp. 199-205.]

[Feb. 24.] **143.** Alexander Skeene to the Council of Trade and Plantations. *In reply to the answer in behalf of Governor Lord Grey.* (See Cal. A. and W.I., 1701.) Argues that he is entitled to the fees for granting probates, etc., and for the Secretary's Office. He is fully qualified to execute his office. *Endorsed*, Recd. from Mr. Fullerton, Feb. 24, 1701. [Recd.] Read March 19, 1701.  $1\frac{1}{2}$  closely written pp. [C.O. 28, 6. No. 46.]

Feb. 24. **144.** Minutes of Council in Assembly of Barbados. The Hon. Richd. Elliott informing this Board that the Assistants of Oistin Court could not be sworn to execute the trust, by reason of Col. Fortescue's illness, who was appointed one of the Assistants, and that two Courts could not hold for that reason, ordered that a letter be wrote to Col. Fortescue, that he should not fail giving his attendance next Court, or if he believes he shall not then be in a condition, that then he signify the same, that the Commission may be supplied by some other person fit for that employment.

The Assembly attending, the President and Council proposed to them to prepare an Act for the sale of some of the small arms in the Magazine to people in this Island, by reason there are not any to be sold in the country to supply the inhabitants; that the musquet barrels that lie in the Magazine that want stocks may be fixt 12 upon a frame to be laid upon the breast-works; that all papers of intelligence be laid before the Assembly; that an [? *Act*] be made for raising a further supply of money for carrying on the several Fortifications; that Col. Kirkby on his departure hence apply himself to this Board for refreshments for the sick men. Whereupon this Board did order 50*l.* to be laid out for wine and fresh provisions for the use abovesaid, and desired the Assembly that the same may be paid out of the Publick Treasury.

Peter Mascoll was sworn in the Commission of the Peace.

Ammunition for Oistin's Fort ordered to be delivered to Col. Frere.

Capt. Wm. Smith, Capt. Wm. Gilbert, Capt. John Vaughan, John Whetstone and Richd. Perriman, were all sworn in the Commission of the Peace.

The Council proposed to the Assembly that materials be always in readiness to fit out two or three fire-ships; that guns, without

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carriages till they can be gotten, be planted in the breast-works, and that cross entrenchments be made at the end of every gully and fortified with great guns on planks [or] where carriages are not to be had ; that bits of old iron be bought of the several smiths to use in bags as partridge shot ; that a box of medicines be provided for every Regiment with tow rags, etc., and two chirurgeons ; and that encouragement be given to subtelers, that satisfaction be made for all damages done to canes, corn, etc., injured at the time of alarms, and that all other matters be effectually provided for the better defence of this Island.

An Act to revise and continue the Act to secure peaceable possession of slaves, and to punish the clandestine detinue of them was sent up and read once. The President and Council were of opinion it could not pass, it being against H.M. Instructions, the same having been already re-enacted.

Ordered that the Clerk of Assembly do forthwith provide and lay the late monthly Journals of the Assembly before this Board, to be transmitted home. *And see following abstract.* [C.O. 31, 6. pp. 167-170.]

Feb. 24. **145.** Journal of Assembly of Barbados. The House met by a special summons from the President, and were informed that several of the inhabitants wanted arms and that they are not to be bought at present, and that there are several arms in the magazeen which may be sold or delivered out to such persons as wants, and the money employed for buying of new arms, and that all the old barrels of guns may be put into frames and made serviceable, and also that some further levy may be made for carrying on the work of the fortifications and strengthening this Island. That it was reasonable and expedient to supply Col. Kirkby, Commander of H.M.S. *Ruby*, with fresh provisions for his sick men to the value of 50*l. sterl.*, which is desired may be paid for out of the Publique.

Ordered that the Secretary of this Island do at the next sitting lay before this House the respective returns of the several Church Wardens brought in, for the swearing to the quantity of land in the respective parishes, and also a list of all defaulters, and of such persons as swore to their lands before his late Excellency.

Resolved, that this House will take into consideration the providing for the fortifications at the next sitting.

It was unanimously resolved that the 50*l.* ordered to Col. Kirkby by the President and Council shall not be repaid out of the Public Treasury. Ordered that all old arms that can be mended, which are now in the magazeen, be refitted and made serviceable by persons appointed by the Keeper of the Stores of the Magazeen, and that the charge thereof be paid for out of the Public Treasury ; and that all old barrels now in the Magazeen and incapable of being refitted for fire-arms, be delivered out to the Commissioners of Fortifications, to be employed by them for the best use they can.

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Resolved that 1,000 substantial fuzees, with moulds etc., 500 good ammunition swords with scabbards and belts, and 1,000 of trunk-cartridge boxes made of good sole leather, 5,000lb. of ball for the fuzees, 500 fuzees for horsemen, such as are used in England for Dragoons, with accoutrements, 1,000lb. of match, 50 ream of cartridge paper and 10 dozen of priming irons for great guns, be bought and paid for by the Treasury. And whereas George Peers and William Heysham have offered to furnish this Island with the arms, ammunition and necessaries aforesaid, it is resolved that upon the importation thereof, they be allowed 50l. sterl. per cent. upon the foot of the invoice, insurance excepted, and the charge be borne by the Public Treasury.

Resolved that 200 of the good arms in the Magazeen be sold at 40s. apiece to such of the inhabitants as the Cols. or Commanders in Chief of the Regiments do certify want arms, the money to be paid to the Treasurer for the use of the fortifications.

Ordered that Mr. Speaker move the President and Council that the monthly exercise of the Militia be continued until further order.

Ordered, that a Bill be prepared for the further strength of labourers, and that the Commissioners be impowered to make breast-works in any convenient places within the land, or to throw up trenches. The House waited on the President and Council with these resolves, and the following proposals were given to the Speaker:—(1) That materials be always in readiness to fit out two or three fireships, when occasion shall be. (2) That guns, without carriages till they can be gotten, be planted on the breast-works, and that cross entrenchments be made at the end of every gully, and fortified with great guns on planks, [or] where carriages are not to be had. (3) That bits of old iron be bought of the several smiths to use in bags as partridge shot. (4) That a box of medicines be provided for every Regiment, with tow, rags, etc., and that two chirurgions be appointed for each Regiment, and that encouragement be given to sutlers. (5) That satisfaction be made for all damages done to canes or corn etc. injured at the time of alarms, and that all other things be effectually provided for the better defence of this Island.

Bill, to revive an Act, to secure the peaceable possession of slaves etc.; read the first time and sent up. It was sent down with a message that inasmuch as there had been several revivals of the first Act, and there being no special reasons given in this Bill for the revival or further continuance of it, the Council believed it to be against H.M. Instructions to pass it.

Feb. 25. Bill empowering John Luey Blackman to sell and alien several lands in the parish of St. Joseph read and referred till next sitting, Blackman then to produce his evidence.

Bill, to repeal an Act mentioned therein, and for divesting lands formerly settled in trust for certain charitable uses by the gift of Philip Trowell deed., and for vesting and settling other lands with Trowell's negroes in trust only for the same

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charitable purposes as such first-mentioned lands with said negroes were settled, read the first time.

The proposals of the President and Council (Feb. 24) were considered. (1) Ordered that George Peers and William Heysham forthwith provide 10lb. of camphire, 10 or 12cwt. of brimstone, 60lb. of salt petre, 20cwt. of wire, a large jar of linseed oil, a large jar of neats foot oil, which are to be used as stores for the public service. (2) Provided for by the Bill for the further strength of labour. (3) Consented to, and ordered accordingly. (4) This House are of opinion that the medicines and other necessaries for dressing of wounded men may be soon provided, in case of an engagement, and as to the having two chirurgions to each Regiment, the same may be appointed when the forces are drawn into arms upon the approach of an enemy. As to the encouragement of sutlers, we believe care is taken by the Act of Militia. (5) This House doth consent thereto. When it shall be considered what other materials are necessary to be provided for the safety of this place, this House will concur therein.

Act, to raise and provide a further strength of labourers to clear the trenches, and repair the breast works and fortifications, read a second time.

Petitions of William Chearnley, Benjamin Bullard, Nicholas Baker, Thomas Stewart, Edward Cordwent, Benjamin Matson, Samuel Nockolds, and Moses Peizzoto read, and they were granted drawbacks on some Madera wine turned eager or exported.

Petition of George McKenzie, merchant, read, setting forth that several were imported and tendered to the Hon. Thomas Sadleir, then Treasurer, who refused to accept of them, and afterwards nine of them died, and therefore petitioner prays an order on the Treasurer for their value as by the Act provided. The House recommended the petition to the Council.

**Feb. 26.** Act to secure the possession of negroes and other slaves to the Inhabitants, read. [C.O. 31, 6. pp. 450-455; and pp. 172-176.]

**Feb. 24.** **146.** Minutes of Council of the Massachusetts Bay. Payments made to Constable Woodcock and Christopher Hall of Attleborough.

Licence granted to Nathaniel Baker, Bisket-baker, to build a bakehouse of timber on the backside of his dwelling, at the north end of the town, so as that he do cover the roof with slate and inclose the walls with rough cast. [C.O. 5, 788. p. 121.]

**Feb. 25.** **147.** Affidavit of Michael Cole, Master of the *Friends' Adventure*, that he has paid for the duty of skins shipt at Charles Town, South Carolina, 1½d. per skin, and that the Receiver told him that ships belonging to the inhabitants of that place paid noe more than ¾d. per skin. *Signed*, Mich. Cole. *Endorsed*, Reed. Read Feb. 27, 170½. Presented to the Board by Mr. Colle. ¼ p. [C.O. 5, 1261. No. 50.]

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Feb. 25. **148.** Affidavit of Lewis Pasquereau, of Charles Town, South Carolina, Merchant, that he has paid the different rates, as above. *Signed*, Lewis Pasquereau.  $\frac{1}{4}$  p. [C.O. 5, 1261. No. 51.]

Feb. 25. **149.** Copy of the Register of the *Providence* of Stockwith, Jno. Lumby, Master, condemned in Pennsylvania, 1699. Custom-House, Hull. Oct. 12, 1698. *Signed*, John Lumby, sen. *Endorsed*, Reed. Read Feb. 25, 170 $\frac{1}{2}$ . Presented to the Board by Sir Wm. St. Quintin. 1 p. [C.O. 5, 1261. No. 52.]

Feb. 25. **150.** Printed copy of affidavit of Tho. Smith, Supercargo of the *Providence*. [See *Cal. A. and W.I.*, 1699, 426.i., iii, etc. and 1700, 932.i., etc.] The *Providence*, bound from Kingston upon Hull to Maryland, was registered at the Custom House at that Port, Oct., 1698. For 6 months together they made no land, and took harbour in the first Port, Newcastle, for supplies. Whereupon one of H.M. Customs Officers demanded her certificate of Registry, which he had no authority to do, seeing that the *Providence* did not break bulk or offer to unlade there, but only to provision and proceed on her voyage to Maryland. The Master having mislaid or left it behind him, the officer seized her for three days, until Lumby, the Master, procured the List sent from England to the Governor of Maryland of ships duly registered, whereby it appeared that the *Providence* had been duly registered, and the said officer released her. Yet Robert Quarry, Judge of the Admiralty Court at Philadelphia, three or four days afterwards sent down his Marshall to reseize her, altho' she had not broke bulk or offered to unlade. He illegally condemned her and her goods, and caused the same to be detained, altho' four or five sufficient persons then and there present in Court, whose ability were unquestionable, offered themselves to be bail and surety for the goods till further satisfaction could have been had in the premisses from England. *Signed*, Thomas Smith. York, Feb. 14, 170 $\frac{1}{2}$ . *Endorsed*, as preceding. 1 p. [C.O. 5, 1261. No. 53.]

Feb. 25. **151.** Governor Nicholson to the Council of Trade and Plantations. I hope in God that before this Col. Quary and Mr. Dionysius Wright have presented to your Lordships my 3 letters of Oct. 2 last, and that those Gentlemen (by your Lordships' assistance) may be able to do his Majesty some service. I have received your Lordships' letters of Aug. 14 and 20, and your Lordships may please to see what was done in Council concerning them. I have sent to my correspondent, Mr. Micajah Perry, to wait on the Admiralty that they would please to order 6 such Jacks to be made, and he will pay for them, because I would willingly have no mistake in that affair, but fully comply with your Lordships' order therein. *Refers to enclosures.* When the Councel meets, March 11, I design, God willing, to propound that a loyal and humble Address may be signed by them as in duty bound to his most sacred Majesty, whom pray God long preserve and send him to tryumph over all his enimys, but more

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particularly over the French King and his Perkin Walbeck. And if that Hector of Christendom durst meet H.M. in the Field of Battel, I hope in God that H.M. would have the same good fortune as Edward III and the black Prince had over the French King John.

I thank God there is a good crop of tobacco this last year, if there come but ships enough to carry it for England. But by the account which I have from thence, and from the Captains and Commanders of ships which have lately arrived, there will not be so many as there were last year. And by the best accounts I have there is more tobacco than there was then. We have had a very fine moderate winter, so that Planters have had an opportunity of clearing their ground, and preparing for a new crop, and I thank God the country is at present very healthful.

On Sunday night was 7 night, till Friday Night following inclusively, was seen ye tail (as we supposed) of a blazing star (though ye star itself not visible to us) that part of it that seemed to end in ye star about the horizon bore about W.S.W. and the upper part pointed about E.S.E. The time of its appearing to us was as soon as it was duskish for the space of near two hours, and it appeared to be about 40 degrees long, being of ye Colour of ye Milkey Way, and of the breadth of a Rainbow.

I intend next month to exercise the Militia in as many Countys as I can, and according to my duty do what in me lies to put them in a posture of defence, and incourage them, if there be any occasion, to fight for their Religion, their King and Country; and in order thereunto to equip themselves with suitable arms and ammunition; and I am in hope that both the Militia-Officers, and the Justices of Peace etc. will doe themselves the justice and honour to sign loyal and dutiful addresses to his most sacred Majesty on account of the sham Pr. of Wales etc. *Endorsed*, Recd. June 8. Read July 22, 1702. *Duplicate*.  $1\frac{3}{4}$  large pp. *Enclosed*,

151. i. Copies of Proclamations for (a) Proroguing the Assembly to Feb. 9, 1702. (Dec. 9, 1701) and March 25 (Feb. 16, 1702); (b) appointing a day of Public Fasting and Humiliation (Feb. 16, 1702); (c) copy of an Order from Governor Nicholson to the Colonels and Commanders in Chief of Militia to summon the Militia officers and acquaint them of the French King's having proclaimed the pretended Prince of Wales King of England. *Signed*, Fr. Nicholson. *Endorsed as preceding*. *Duplicate*. *The whole  $3\frac{3}{4}$  large pp.*

151. ii. Memorandum of Minutes of Council of Virginia, Feb. 16, 1702.  $\frac{1}{4}$  p.

151. iii. Memorandum of Account of the 2s. per hhd. June 10-Nov. 10, 1701.  $\frac{1}{4}$  p. [C.O. 5, 1312. Nos. 26, 26.i.-iii.; and (without enclosures) 5, 1360. pp. 209-213.]

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Williams-  
burgh,  
Virginia.

152. Governor Nicholson to [? the Earl of Manchester]. A complimentary letter. *Signed*, Fr. Nicholson. 1 p. *Enclosed*, 152. i. Governor Nicholson to the Council of Trade and Plantations. Feb. 25, 1702. *Duplicate of No. 151.*  $1\frac{1}{2}$  pp.

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152. ii. Copy of Minutes of Council of Virginia, Feb. 16, 170 $\frac{1}{2}$ .  
 $2\frac{1}{2}$  pp.

152. iii. Copy of Proclamations, by Governor Nicholson for proroguing the Assembly of Virginia, Dec. 9, 1701, and Feb. 16, 170 $\frac{1}{2}$ , appointing a Day of Public fasting, Feb. 16, 170 $\frac{1}{2}$ , and an Order to the Militia Officers, to summon their Regiments and suggest Loyal Addresses to the King on the occasion of the King of France recognising the Pretender. Feb. 19, 170 $\frac{1}{2}$ .  $2\frac{1}{4}$  pp.

152. iv. Copy of Mr. Auditor Byrd's Account of the 2s. per hhd. June 10-Nov. 10, 1701. Total, including balance from last account 2,358*l.* 9*s.*  $9\frac{1}{2}$ *d.*, 2,971*l.* 3*s.*  $8\frac{1}{2}$ *d.* Debit 1,745*l.* 1*s.*  $5\frac{1}{2}$ *d.* Balance due to H.M. 1,226*l.* 2*s.*  $3\frac{1}{4}$ *d.* 2 pp. [C.O. 5, 1339. Nos. 4, 4.i.-iv.]

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**153.** Order of the House of Commons that the Commissioners of Trade and Plantations do lay before this House an account of their proceedings with relation to the complaints made to them of the Courts of Justice in the Plantations in the West Indies. *Signed*, Paul Jodrell, Cl. Dom. Com. *Endorsed*, Recd. Read March 3, 170 $\frac{1}{2}$ .  $\frac{1}{2}$  p: [C.O. 323, 3. No. 116; and 324, 8. p. 69.]

[? Feb. 26.]

**154.** John Usher to the Council of Trade and Plantations. *Recapitulates* events in New Hampshire since 1692, and recommends the state of the Province to the consideration of the Board. *Signed*, Jno. Usher. *Endorsed*, Recd. Read Feb. 26, 170 $\frac{1}{2}$ . 9 pp. [C.O. 5, 862. No. 96.]

Feb. 26.

**155.** Order of a Committee of the House of Commons, upon the petition of Mr. Hodges, that the Council of Trade and Plantations lay before them on Saturday next papers relating to the administration of Justice in Barbados (*enumerated*). *Signed*, R. Gwynne. *Annexed*,

155. i. Order of the House of Commons, Feb. 25, referring the petition of Mr. Hodges to a Committee, *named*. 2 pp.

155. ii. Copy of petition of Thomas Hodges to the House of Commons. Petitioner hath attended the Council of Trade and Plantations for about 12 months past, and hath not only proved the truth of his complaints [See *Cal. A and W.I.*, 1701], but has likewise shewn the administration of justice in that Island to have been much worse than his petition to H.M. (Dec., 1700) did import. Whereupon the Lords Commissioners for Trade and Plantations have lately made such a report as covers the truth from H.M., and has effectually hindered the petitioner from any relief. *Signed*, Tho. Hodges. *Annexed*,

155. iii. Particulars of Thomas Hodges' complaints referred to in preceding. 3 pp. *The whole endorsed*, Recd. Read Feb. 26, 170 $\frac{1}{2}$ . [C.O. 28, 6. Nos. 40, 40.i.-iii.]

Feb. 26.

**156.** Governor Crowe to the Council of Trade and London. Praying them to move H.M. to order the Lord High

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Admiral to provide transport for himself, family, household goods and equipage, as was formerly granted to Lord Grey. *Signed*, M. Crowe. *Endorsed*, Recd. Read Feb. 27, 170 $\frac{1}{2}$ . 1 p. [C.O. 28, 6. No. 41.]

[? Feb. 26.] **157.** Mr. Usher's observations on the present Councillors of New Hampshire. William Parteridge, charged as being uncapable; Jno. Usher; John Hincks, suspended; Nath. Fryer, laid downe; Tho. Crawford, dead; Peter Coffin; —— Green, dead; Robt. Elliott; John Gearish; John Wear, laid down; Jo. Love, never excepted, and lives in England.

*List of Councillors proposed*: Jo. Usher, Peter Coffin, Ro. Elliott, Jo. Gearish, Jos. Smith, Kingsley Hall, Tho. Parker, Geo. Jeffrey, Peter Weare, Dudley Hilton, Tho. Allen. [C.O. 5, 862. No. 97; and 5, 910. pp. 180, 181.]

[? Feb. 26.] **158.** John Usher to the Council of Trade and Plantations. It may be for H.M. service that ye Governor upon his arrival in New Hampshire take notice what condition H.M. Fort is in, together [with] an account of what store of ammunition; that he visit the Frontier towns, and that care be taken they secure themselves by making of garrisons, and make report thereof. That care be taken for a fit storehouse for arms etc.; that a house be built in the Fort for lodging soldiers etc., there being noe place provided. There being this year a tax of 550*l.* for a person to lay before H.M. the grievances of the province, which is a pretence that they may thereby apply the same to private ends and uses, when the Governor arrives it may be for H.M. service to have it applied to building a house in the Fort for the soldiers. That all ships coming in and going out doe come to an anchor at New Castle and there clear with the Collector's Office, and the Acts of Trade may be violated, and the officer can't prevent the same. As to the Laws made, they never would raise any money for to have them allowed of in England, judging, haveing no account they are not allowed, that they are in good force and power. That every half year an account be sent of what money raised and how disposed of, likewise of all goods imported and exported. *Endorsed*, Recd. Read Feb. 26, 170 $\frac{1}{2}$ .  $\frac{3}{4}$  p. [C.O. 5, 862. No. 98; and 5, 910. pp. 181-183.]

Feb. 26. **159.** Journal of Council of Trade and Plantations. Three Whitehall. papers from Mr. Usher were laid before the Board.

Draught of Instructions for Col. Dudley in the Government of New Hampshire was agreed upon, and the names of the Councillors now inserted therein ordered to be communicated to him for his observations upon them.

Order of the Committee of the House of Commons of this date, relating to a petition presented to that House by Mr. Hodges, was brought to the Board and read, and directions given for preparing the papers necessary thereunto.

Feb. 27. Mr. Cole [Feb. 17] delivered two affidavits relating to the duties laid in Carolina upon English ships.

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Draught of Instructions for Mr. Crowe in the Government of Barbadoes agreed upon and communicated to him. Memorial from himself relating to shipping for his transportation read, and directions given for preparing a report thereupon.

Letter to Sir Rowland Gwynne, Chairman of the Committee of the House of Commons mentioned yesterday, signed. The Secretary was ordered to attend the Committee with the Books and Papers necessary to open the whole proceedings of this Board in that matter. [C.O. 391, 14. pp. 342-345; and 391, 96. Nos. 37, 38.]

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**160.** Minutes of Council in Assembly of the Massachusetts Bay. Petition of Samuel Sewall, Ephraim Hunt, Benjamin Walker, John Hunt and Jonathan Belcher, Proprietors of part of the tract of land called Dracut, beyond Chelmsford in the County of Middlesex, N. of Merrimack River, and of Samuel Varnum and others, Inhabitants and Proprietors of the said tract of land, praying that the said tract of land which adjoins to Dunstable W. and N.W., and runs seven miles Eastward upon the River from Dunstable line, and six miles Northward from the River may be made a Township, sent up with the consent of the House upon condition that the bounds specified intrench not upon any former grant of townships; that the inhabitants of the land assist in the maintenance of the ministry at Chelmsford as at present, until they are provided with a Minister as the Law directs; that a general platt of the land, taken by a sworn Surveyor, be laid before this Court at their session beginning next May; that if any land shall happen to fall within the bounds abovesaid that hath not been heretofore granted, it shall be reserved to be disposed of by this Government. This resolve was concurred with.

20*l.* each paid to the Committee of Claims for debts contracted in the time of Sir E. Andros.

4*l.* 7*s.* 0*d.* paid to Ebenezer Brenton for expenses in obtaining land to accommodate an Indian settlement from Thomas Hinckley and Daniel Wilcox.

30*l.* paid to Capt. Anthony Checkley, Attorney General, for his services.

7*l.* granted to John Wilson of Bilricea in further allowance for his expenses in the country's service, 1691, as Lieut. of a foot company sent into the Eastern parts.

Resolved, in accordance with the petition of the Indians residing in the southern parts of the County of Bristol (divers of whom have been very serviceable to H.M. in the late wars with the Indians, and some of them brought up in English Families), praying that a convenient tract of land may be assigned to them for a Plantation where they may settle together in an orderly way, and have the benefit of enjoying the Ministry and settling a school for the instruction of their children, that they may be accommodated with a tract of land within the township of Tiverton lately granted to the Government by Daniel Wilcox, to be holden by them of H.M. Government in this

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Province during the pleasure of the Government. A Committee was appointed to supervise the settlement.

Payment ordered towards the fortifications and provisioning the Castle, and that the remainder of the 3,000*l.* voted be improved for the payment of Province debts, and that the impost and excise in arrears be a Fund for the payment of the same, and what may fall short thereof to be made up out of the next tax raised for this Province.

Petition read of Elisha Cooke, John Wiswall, Sarah Floyd, and Hugh Floyd, administrators of the estate of John Floyd, deed., was presented and read, praying to be enabled by an Act of this Court to renew two Judgments granted against them at a Court of Appeals, Boston, Nov., 1696, at the suit of Col. Nicholas Paige and Anna, his wife, whereby they were put out of possession of a certain Farm lying in Rumney Marsh and one acre of pasture land in Boston.

Feb. 27. Col. Paige was ordered to appear.

Upon the Memorial of Col. Hutchinson (Feb. 25), the Representatives left it with the Council to order the enforcement of the garrison as they should apprehend it necessary for the safety of the Province upon the arrival of intelligence from time to time.

Several salaries ordered to be paid. Also, 30*s.* to Edward Norline of Ipswich for five weeks service which John Graves of Ipswich served H.M. in 1696.

Accounts of the Committee for fortifying Castle Island, amounting to 2,515*l.* 17*s.* 11*d.*, passed.

Committee for granting claims for service done by soldiers in the time of Sir Edmund Andros was desired to consider certain claims since sent in.

Petition of Thomas Drury on behalf of the town of Framingham, that if liberty be granted to purchase or hire a certain tract of Indian land bordering upon Framingham, such liberty may then be granted to the said town, sent up with the assent of the Representatives, was negatived by the Council.

Feb. 28. Col. Paige attending, and offering nothing against the petition of Elisha Cooke (Feb. 26), only that something had been sent from England relating to the passing of Acts, a Bill was brought in to enable Elisha Cooke etc. to review two judgements given in 1686, at the Superior Court of Judicature to be holden in Boston. The Bill was read and referred to the next sitting of the General Court.

Resolved and ordered that the stock of small arms, ball and flints lately come from England, procured at the charge of the Province, be distributed to the regiments of Militia in proportion to what the Towns paid unto the last Province tax.

Resolved that a day of Publick Prayer and Fasting be appointed throughout the several Towns.

The Representatives announced that they had agreed to desire Mr. Increase Mather to preach a Sermon to the General Assembly at their convening in May.

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The Assembly was prorogued till April 15. [C.O. 5, 788. pp. 205-213.]

Feb. 26. **161.** Minutes of Council of New Hampshire. Ordered that Portsmouth Major Wm. Vaughan, issue forth his orders to Capt. Peter Coffin of Exeter, Capt. John Woodman of Oyster River and Capt. John Tuttle of Dover, that they keep scouts of two men daily from King's Town to Salmon Falls River till further orders from him. [C.O. 5, 789. p. 78.]

Feb. 27. **162.** Minutes of Council of the Massachusetts Bay. Payment made to James Allen for rent etc. for a house for securing the powder and arms of the Province.

280*l.* 17*s.* 2*d.* paid for the wages of the garrison of July 18, 1701-Jan. 18, 1702.

Licence granted to James Barnes of Boston to erect upon his land in Prison Lane a building of timber and brick. [C.O. 5, 788. pp. 122, 123.]

Feb. 28. **163.** Letter from a French Naval Officer to a Friend. [? 1702.] I promised to write to you by the first opportunity. You will see by the long time I have taken to give you news that the posts from America to Europe are badly regulated. I should have taken longer still, but for the division of his ships Monsr. de Château-Renault is making. The Chevalier de Laille is in one of those which are returning, and I have given him my letter. The accident which has happened to M. de Coetlogon, is the reason why M. de Châteaurenault has decided to go himself and seek the galleons which are at Vera Cruz; he only takes with him 18 men of war and nine frigates; he is sending back to Brest and Toulon the big ships and those that are out of repair. This prolongs our campaign for six months at the least, and we have only provisions for four. You may well believe that this campaign will be severe, since for 15 days we have been living on *cassare*, and wine upon only one of them, which is for the most part sour or thick. This refers to the crew, but we are no better. Happily for us we did not stay long at the Isle of Martinique, for we arrived on the 5th and left on the 22nd of Feb. It is a very unhealthy island, and several people died there. The poor Chevalier Duhan died there on Feb. 19, and several other young men. It is a disease of which one dies very quickly, and in dying the blood rushes out through the nostrils and eyes. The countries where we are going are at least as unhealthy, but that is in the months of July, August and September, and by all appearances we shall have left by then. If M. de Château-Renaud had not received the news that the galleons had not followed M. de Coetlogon, we should have begun the war in this country, for everything was ready to attack the English Islands and that Entigrenime, Montserrat [*Mon Sara*] and Barbados, but all his plans have been rendered abortive by the arrival of M. de Hautefort. We dressed ship [*apareillé*] on Feb. 22 in the road of Fort Royal in Martinique, to the number of 30 vessels, several

On board the  
*Triton* off  
Porto Rico.

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frigates, sloops and fireships, and M. de Château-renaud carries the flag of a Spanish Admiral, M. de Nemont the flag of Lieut.-General of France, M. de Rosmadée the *cornette* of a French commander of a squadron, M. de Larteloire also has the *cornette*, and he it is who is to command the ships which go to Brest, M. de Machaut to take back those which go to Toulon. The separation is only to take place after we have passed Jamaica, which is an English Island, where it is said there are 40 ships, and if that proves true we shall fight them, and continue our passage to Havannah and Vera Crux. Those who have never been in these countries believed that we should return laden with gold, since it is from here that it comes, but one proverb is as true of this country as of Rome, it is that whoso goes *gueux au perou, gueux en revient*. I shall be of that number, but 'tis God's will, and provided I return in perfect health I shall be consoled for everything. I began my letter the day after leaving Martinique, and I shall only finish it when the ships separate. I have all the difficulty in the world to write, the heat being excessive to-day. What a difference in climate! You blowing your fingers (*soufflés dans vos doigts*) at this moment, and we can hardly endure a shirt. I must tell you the cockroaches (*punaises*) have taken possession of my cabin, so that I have been obliged to give it up to them and sleep on the bridge. I shall be very glad if I do not get ill from it, for the night dew is dangerous in this country, but so far I am very well, though I do not often have the sign of health. Let us hope we shall recover our former vigour when we get out of the tropics. I conclude to-day, Feb. 25.

We have not seen anything since the Island of Nieve Entique [? *Nevis, Antigua*] and Montserrat, where we did not find any English vessels. To-day, Feb. 27, we sight the Islands of Sta. Crux and Porto Rico. The latter belongs to the Spanish and Sta. Crux was ours, but the inhabitants were removed during the last war, and it is at present deserted. We are to pass between Porto Rico and Espagnola, and it is there that we are to divide. Since the 25th several of our sailors have died of the *pourpre* [fever], and several others appear to be attacked by it. This is a bad beginning; I don't know what the end will be. Since the 22nd we have seen a comet, which rises at 7 in the evening and disappears at 9. We are anxious to know whether you have seen it in Europe, none of us has an almanack, which would have relieved our anxiety. There have been great wagers as to the meaning of this Comet. Some will have it foretell a great war; others the death of several great ones. *Le 28 Fevrier devant L'Isle de Porterique. French.*  
1½ large pp. [C.O. 137, 44. No. 54.]

Feb. 28.

**164.** Minutes of Council of New York. Capt. Thomas Clark, in discharge of his recognizance, appeared and made oath that the inventory produced to him of the goods of the said Clarke formerly delivered to the Governor contained the whole and all that ever came into his hands or power or of any other person in trust for him to his knowledge from on board the sloop that Capt. Willm. Kidd arrived in into the Sound, or from any other

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vessel or place as goods and treasure, writings, books and papers to the said Kidd, his crew or passengers belonging or by them imported. Whereupon the said recognisance was cancelled.

Ordered that Thomas Davis be a riding Messenger on Nassau Island, to dispatch the public letters etc. as H.M. service shall require, and be always attending the said service and provide a horse therefore, for which he is to have 30*l.* per annum. [C.O. 5, 1184. pp. 625, 626.]

March 2. **165.** Minutes of Council of Bermuda. Ordered that the late Secretary Jones' accounts be made up and the salaries of the soldiers at the Castle be paid from Christmas 1700 to Christmas 1701. At Capt. Thomas Jenour, St. George's. Ordered that each Tribe bring three good boat loads of stone to St. George's to ballast Capt. Flavell's ship.

Ordered that Mrs. Forster's chimney be stopped up, owing to the great danger from it to the Session House, where the Magazine is kept; also that the Justices of St. George's diligently make enquiry into the life and conversation of the said Sarah Forster, who is reported to be of an evill reputation and fame, and an entertainer of sailors and other persons, as well inhabitants as strangers, to a great scandall and of evill example.

Upon Capt. Flavell's complaint against Zachariah Briggs, Pilot, for ill pilotage of his vessel, a Committee was appointed to enquire how the said ship struck at her coming into this harbour.

Petition of Lewis Johnston read, setting forth several matters in difference between him and Thomas Burton and Mary his wife and others about four messuages and four shares of land in these Islands, heretofore the Estate of Henry Ford, decd., and several proceedings in relation to the same, and praying the Court to order Burton etc. to deliver quiet possession. Reply of Burton read, together with the Orders of the Lords Justices in England, July 18, 1700, and of H.M. in Council, June 12, 1701; and neither of the said Orders being conceived to direct this Court to order the Petitioner quiet possession of the said land or tenements, or to concern themselves in or about the same, it was unanimously resolved that the aforesaid matters in the Petition do not at present lie before this Court.

Col. Day's accounts referred to the consideration of Samuel Spofferth.

Whereas H.E. and this Board have an urgent occasion to borrow upon the Public Account 200*l.*, it is the advice and consent of the Councill that H.E. be pleased from time to time to pay the said money to and for the subsistence of the soldiers lately sent here, as H.E. shall see occasion. [C.O. 40, 2. pp. 45, 46.]

March 2. **166.** Minutes of Council of New York. Proclamation ordered proroguing the Assembly to the third Tuesday in April.

Petition of Robert Walters, John Cholwell, Leigh Atwood, Cornelius Depeyster, Richard Slater, Barne Cosens, Lancaster Sims, Matthew Clarkson, Robert Lurting, Peter Mathews and Caleb Heathcote read, praying a patent for a tract of land in the

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County of Westchester, bounded westerly by the township of Bedford and the patent lately granted to Caleb Heathcote and others, northerly by the manor of Cortlandt and Croton River, southerly and easterly by the Colony lines, petitioners having purchased the same in pursuance of a license from this Board, Feb. 17, and also praying that a purchase made by them from the Indian Proprietors of a small tract of land beginning westerly at a great rock on the westermost side at the southermost end of a ridge known by the name of Horse Ridge, and from thence north west and by north to Brunks River, easterly beginning at a marked tree, on the eastermost side at the southermost end of the said Ridge, and thence north to Bronx River may be allowed, and that a patent may issue under the Seal of the Province for both the said tracts, containing about 5,200 acres of profitable land. Granted, and ordered that the Solicitor General prepare a patent for the same under the broad seal of the Province under the quit-rent of 7l. 10s. per annum, and that the Clerk of the Council prepare a warrant accordingly. [C.O. 5, 1184. p. 626.]

March 3. **167.** Council of Trade and Plantations to the Lords Whitehall. Proprietors of Carolina. Having received affidavits (of which we send you the inclosed copies) that there is a Duty layd and levied in Carolina upon skins shipt in vessells belonging to this Kingdome higher than upon those of that Province, which we conceive very prejudicial and a great discouragement to the trade of England; and being obliged to lay the same before his his Majesty, we are desirous first to receive your Lordshippes' answer thereupon. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, Mat. Prior. *Annexed*.

167. i. Copies of two affidavits referred to above. [See Feb. 25.]  
 [C.O. 5, 289. pp. 85, 86; and (without enclosures) 5, 1289. p. 386.]

March 3. **168.** Council of Trade and Plantations to the Earl of Whitehall. Manchester. Enclosing copy of letter and other papers from Council of Barbados [Jan. 6]. *Signed*, Ph. Meadows, Wm. Blathwayt, Mt. Prior. [C.O. 29, 7. pp. 481, 482.]

March 3. **169.** Journal of Council of Trade and Plantations. The Lord Whitehall. Grey communicated to the Board the copy of a letter from the President and Council of Barbadoes to himself, Jan. 6, which was read.

Letter from the President and Council of Barbadoes to the Board Jan. 6 and 14, with enclosures, read. Letter writ to the Earl of Manchester desiring him to lay those matters before his Majesty.

Order of the House of Commons, Feb. 26, read. Some progress made in preparing an answer.

Letter to the Lords Proprietors of Carolina signed. [C.O. 391, 14. pp. 345-348; and 391, 96. No. 39.]

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Whitehall.

**170.** Council of Trade and Plantations to the King. We humbly lay before your Majesty the Draughts of Instructions for Joseph Dudley in the administration of the Governments of the Massachusetts Bay and of New Hampshire, upon which we humbly take leave to observe that the alterations made in these draughts from the Instructions given to the late Earl of Bellomont are either such as have been approved by your Majesty in Instructions given to Governors of other Plantations, and which have the same reason in these, or such as we have prepared in pursuance of your Majesty's particular directions upon several occasions for the Earl of Bellomont, and which we humbly conceive proper to be continued. We also lay before your Majesty such other Draughts of Instructions for Col. Dudley in both the said Governments as more particularly relate to trade, and which have upon divers occasions been approved by your Majesty for the Governors of other Plantations. *Signed*, Stamford, Lexington, Ph. Meadows, William Blathwayt, John Pollexfen, Mat. Prior. 2 pp. [C.O. 5, 862. No. 99; and 5, 910. pp. 183, 184.]

March 5. **171.** Council of Trade and Plantations to the King. Whitehall. We humbly lay before your Majesty a draught of Instructions for Mitford Crowe in the Government of Barbados. The alterations from those formerly given to Mr. Grey, are either such as have been approved by your Majesty in Instructions given to Governors of other Plantations, and which have the same reason in these, or such as have been prepared in pursuance of your Majesty's particular directions upon several occasions, relating to the Government of that Island, which we humbly conceive proper to be continued. We also herewith humbly lay before your Majesty a draught of such other Instructions for Mr. Crowe as more particularly relate to Trade, and which have upon divers occasions been approved of by your Majesty for the Governors of other Plantations. Mr. Crowe has desired us to represent to your Majesty that such accommodation of shipping may be appointed for transporting himself, his family and goods to Barbados, as was granted to his predecessor, the Lord Grey, which we find to have been one man of war and 150 tons in one or more vessels. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 29, 7. pp. 484, 485.]

March 5. **172.** Journal of Council of Trade and Plantations. Whitehall. Two Representations signed wherewith to lay before H.M. draughts of Instructions for Col. Dudley and Mr. Crow.

March 6. Representation relating to Newfoundland signed.

Letter to the Earl of Manchester signed, and the above three Representations enclosed.

Order of Council, Jan. 8, upon the petition of Caleb Heathcote read. Ordered that Mr. Gilbert Heathcote have notice to attend this Board on Tuesday.

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Order of Council, Feb. 5, relating to a clause to be inserted in Mr. Crowe's Instructions for the due administering Justice in Barbadoes, read. The Clause was already inserted.

Order of Council, Feb. 5, upon the Representation on Mr. Freeman's complaint, read.

Order of Council, Feb. 19, upon the Representation on the complaints of Mr. Mead, Mr. Shipman etc., read, and directions given for preparing a letter to Col. Codrington.

Answer from Col. Quary to the affidavit of Thomas Smith, relating to the *Providence*, was read to Sir Wm. Robinson and Mr. Jenkins, who were present, and a copy ordered to be given them. [C.O. 391, 14. pp. 348-351; and 391, 96. Nos. 40, 41.]

March 5. **173.** Minutes of Council of Bermuda. An Address to H.M. signed by the Governor, Council and Assembly. [C.O. 40, 2. p. 46.]

March 5. **174.** Journal of Assembly of Bermuda. The House met and adjourned till to-morrow.

March 6. Address voted to H.E. and Council that the judgments given the last General Assizes against Col. Day, Gilbert Nelson and Edward Jones (for their several offences) be ordered to be put in execution, and that they may be kept in H.M. prison accordingly until their several fines be paid to the use of his Sacred Majesty.

Voted that 216*l.* be forthwith raised for building a store-house for the ammunition and placing the guns where needful, each parish or tribe to raise 24*l.* Act ordered to be drawn accordingly.

Thomas Bostock appointed Clerk of the Assembly. [C.O. 40, 2. p. 286.]

March 5. **175.** Minutes of Council of New York. Depeyster *v.* Cruger; in pursuance of a writ of error issued Feb. 19, the Chief Justice of the Supreme Court brought before this Board the record of the Supreme Court in this Cause, and left the transcript thereof, which was ordered to be lodged with the Clerk of the Council. Antill for the appellant moved that the defendant may plead to the Errors filed by him this day. Ordered that the Defendant have a month's time.

Petition of David Provoost, John Depeyster, Matthew Clarkson, and Robert Walters, praying a licence to purchase a tract of vacant land in the County of Ulster, bounded southerly by the land granted to Capt. John Evans, westerly by the boundaries of the palls, northerly by the boundaries of the Corporation of Kingston, and easterly by Hudson's River, which the Indians Proprietors are willing to sell to them, granted, provided the purchase be made and returned in Council within 12 months, and that the purchase be made before one of H. M. Justices of the Peace for the said County. [C.O. 5, 1184. pp. 626, 627.]

March 6. **176.** Council of Trade and Plantations to the Earl of Whitehall. Council of Trade and Plantations to the Earl of Manchester. We did intend yesterday to have laid before H. M. in Council the several draughts of Instructions that we

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have prepared for Col. Dudley in the Governments of the Massachusetts Bay and of New Hampshire and for Mr. Crowe in the Government of Barbados, together with our reports upon them, but there having been no opportunity for it, we send the same here inclosed, that your Lordship may please to lay them before his Majesty, whenever it may be convenient. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 29, 7. p. 483.]

March 6.  
Speaker's  
Chambers.

**177.** Order of Committee of the House of Commons. That the Commissioners for Trade and Plantations lay before them all the proceedings before them on any complaints against the Lord Grey, and the Act to ascertain the rights and powers of the General Assembly of Barbados, Aug. 9, 1698. *Signed*, R. Gwynne. *Endorsed*, Recd. 7, Read March 12, 170 $\frac{1}{2}$ .  $\frac{1}{2}$  p. [C.O. 28, 6. No. 42.]

March 6.

**178.** Col. Quary to the Council of Trade and Plantations. The affidavit of Thomas Smith [See Feb. 25] is false in all the material part relating to the trial and condemnation of the pink *Providence*. [See *Cal. A. and W.I.*, 1700, No. 932.i.] Some time after the arrival of that vessel in Newcastle she was seized by the King's Officers for importing into the River Delaware within the jurisdiction of the Court of Admiralty for that Province sundry goods from Europe without producing a duplicate of her Registry. The officer who made the seizure, by reason of some indirect practices and applications to him, was willing to decline the prosecution, but the King's Advocate very well knowing that the seizure being once made, the ship could not be cleared without a judicial trial, he exhibited an information against the ship and goods. A speedy trial was ordered on petition of the Master, John Lumby, who by himself and Council appeared in Court. Upon a full hearing it did appear before me in Court, that the Master and Company of the said ship had broake bulke and had disposed of part of the said ship's lading, which also now appears by the affidavit of Mr. Basse. At the said hearing several of the Officers and saylers declared on oath that they knew nothing of the ship being registered. As for the Master, he being a party and owner, his evidence could not be allowed. There was no list produced in Court (as is mentioned in the affidavit) by which it did appear that the ship was ever registered; all that was produced being only a pretended copy of a list of ships that had given bond to land in England, etc., such of the enumerated commodities as they should load in any of the Plantations, which lists had been used many years before the Acts of the 7th and 8th of his present Majesty, which requires the due registry of ships. In May, 1699, as Judge of the Vice-Admiralty of Pensilvania, I accordingly pronounced the ship and lading forfeited. And now, that your Lordships may see how kind I was to the owners, I did not order the disposal of the ship and goods as the Law directs, so soon as the judgment was passed, but kept them in the King's Store 12 months, that they might

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try to get the judgment reversed, but the Marchants writing that all their interest could not make void the decree, I did then on the petition of the Marshall of the Admiralty, setting forth that part of the goods were damnified and rotten, grant a Commission to several persons of known credit to vallew them. After the appraisement at 581*l.* 12*s.* 7*½d.*,  $\frac{1}{3}$ rd part of the goods in specie was delivered to Mr. Pen as Governor, another  $\frac{1}{3}$ rd to the Informer and Prosecutor, the other  $\frac{1}{3}$ rd remains in my possession, out of which are several charges and disbursements to be deducted, which I am ready to account for to H.M. I proposed in open Court to the Master and Marchant of the said ship that they should have the ship and cargo as they should be appraised in case they should deposit the vallew thereof into Court, until they had prosecuted an Appeal, which they refused to do. The Act gave me no power to take bonds, nor could bonds taken in H.M. name be sued in Pensilvania, the King having no Attorney General there, and several bonds of great vallew which are forfeited to the King have already layne many years, and cannot be put in suit. Eighteen months after the condemnation of the ship and cargo there came an inhibition from the High Court of Admiralty of which I gave an accompt to the Lords Commissioners of the Admiralty to employ some of the King's Council to appear and defend H.M. right, which accordingly they did, the cause being appealed in the High Court of Admiralty of England, on behalf of the pretended owners, who after many delays not being able to prove any of their allegations, Sir Charles Hedges, Judge of the said Court, or his surrogate did, Oct. 23 last, confirm the judgment given by me and dismissed the Appeal with costs. *Signed*, Robt. Quary. *Endorsed*, Reed. Read March 6, 170 $\frac{1}{2}$ . 3 pp. *Enclosed*,

178. i. Deposition of Jeremiah Basse that in May 1699 going down to Cape May in search of some pyrates and stopping at Newcastle, John Lumby, Master of the *Providence*, went on board her and brought back on board of deponent two casks of Hull ale, one of which he sold to him, at which time there was no seizure made of the said ship or lading, as deponent believes, in regard that the King's Officers would not have suffered Lumby to have carried away any goods. *Signed*, J. Bass. Feb. 29. 1 p. [C.O. 5, 1261. Nos. 54, 54.i.]

March 6.  
Newfound-  
land.

179. Council of Trade and Plantations to the King. The season of the year now approaching for sending the usual convoys to Newfoundland, we humbly represent to your Majesty that there is wanting a bomb and other materials for floating and fixing the chain that has been sent thither some time since for the security of St. John's Harbour, but the Board of Ordnance alledging that the charge thereof ought to be borne by the Navy Board, and that Board insisting that the care of this service appertains to the Board of Ordnance, we humbly conceive it requisite that your Majesty may be pleased to interpose your directions therein. There are also wanting stone and other materials for building or

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repairing the forts in that harbour, for the transporting of which we have used our endeavours to dispose some merchants to contribute their assistance at easy charge, and we humbly offer that your Majesty would be pleased to give the necessary directions therein to the Office of your Majesty's Ordnance. It has been further humbly offered to us by the Principal Officers of your Majesty's Ordnance that it may be requisite that the seamen aboard your Majesty's men of war may have orders to assist, during their stay there, in carrying on the works, which orders have been formerly given, and we humbly conceive may properly be renewed, as likewise that such other workmen as may be necessary for those several services be sent thither with the forementioned particulars. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 195, 3. pp. 38-40.]

March 7. 180. Minutes of Council of Bermuda. Ordered that Capt. Thomas Dodson, Commander of H.M. Castle, be paid 6*l.* 6*s.* 6*d.* yearly for the time of his continuing in commission, as other Commanders of the Castle has been allowed. [C.O. 40, 2. p. 46.]

March 7. 181. Journal of Assembly of Bermuda. The House being met and the list called over, the Act ordered to be drawn up for the raising 216*l.* for the building a storehouse was read, passed and sent up.

Upon complaint of the Marshal that the prison is out of repair and insufficient to secure prisoners, and the Committee to inspect it having returned that it wants repairation, ordered that it be amended, and that Mr. John Rawlins, the Marshall, employ men and provide materials to be paid for out of the public money. This vote sent up. [C.O. 40, 2. pp. 286, 287.]

[March 9.] 182. Petition of John Usher to the Council of Trade and Plantations. Prays that the same directions may be continued in the Instructions to be given to Col. Dudley as were given to Lord Bellomont that due care may be taken for the payment of the money due to petitioner as Treasurer of New England under Sir Edmund Andros. *Signed*, Jno. Usher. *Endorsed*, Recd. 9. Read March 19, 170*½*. 1 *p.* *Annexed*,

182. i. Memorandum of the Instructions to Lord Bellomont referred to above, and his answer. 1 *small p.* [C.O. 5, 862. Nos. 100, 100.i.; and 5, 910. pp. 185-188.]

March 9. 183. Minutes of Council of the Massachusetts Bay.

Proclamation signed appointing April 2 as a day of Public Fasting with Prayer.

Letters to Col. Romer desiring his speedy return, and to Lt.-Gov. Nanfan desiring that he may be permitted to return, signed.

Instructions signed to be given to the Captain of the Castle, directing him to give orders that no more than one gun be fired

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to answer a salute from any ship passing by the same, unless it be to any of H.M. Ships of War. [C.O. 5, 788. pp. 123, 124.]

March 10. **184.** Isaac Addington to Wm. Popple. Enclosing Minutes of Boston. Council of the Massachusetts Bay, Sept. 25—Feb. 11, 1701, and Journal of Assembly, Oct., 1701. As also in obedience to their Lordships' commands I have inclosed a copy of the negotiation with the Eastern Indians in June last, and copy of a Message sent by them to Boston in Dec. following with the answers thereto made by the Council. Nothing of moment referring to H.M. service here other than what you will have an accompt of in the inclosed has occurred since my last. The Province thro' divine favour continues in peace, altho' we are not without great fears of the near approach of trouble by the startling and surprizing intelligence that we have from Europe of the strange convulsions which the Nations thereof are thrown into, preseaging a bloody war, wherein we must expect to bear a share. Our present circumstances as to the unsettlement of the Government renders us very unfit to engage therein, and will make the fatigue thereof more burdensome. But we hope H.M. will be graciously pleased to grant us a speedy settlement in appointing and sending a Governor to take the conduct of this his Province, etc. *Signed*, Isa. Addington. *Endorsed*, Reed. 11, Read May 21. 1701. 2 pp. *Enclosed*,

184. i. Copy of the Heads and Propositions treated on by the Commissioners from the Massachusetts Bay and the Eastern Indians, Cascobay, June 3, 1701. *Commissioners*, Col. John Phillips, Col. Penn Townsend, Capt. Nathaniel Byfield and John Nelson. (1) *Renewal of the Treaty of Amity* concluded with Lord Bellomont at Albany in Oct., 1700. (2) *The Commissioners bring* presents and a settlement of Trade. The Indians reply, we pray that we may have goods sold to us at a cheap rate and that no rum may be sold the Indians. (3) *The Commissioners propose* that the peace be inviolably maintained, and that all who seek to disturb it should be reckoned enemies. If any wrong be done you by our people, upon your complaint due punishment shall be inflicted and satisfaction made, which we likewise expect you to do on your parts. The Indians agreed. (4) *The Commissioners offered* the Protection of King William. The Indians replied, In case any nation should make war upon us, we do not desire that our Uncle, King William (which title we esteem equal to Father) should loose any men on our account until we have tried what we can do for our own defence. (5) *The Commissioners*: We are likewise to note unto you our jealousies concerning the French by whom you have been so often seduced, that through their false reports you may not again be deceived, but rather call to remembrance those times when by a full confidence and love we were useful unto each other, which same trust you may see we are again endeavouring to restore, not only by a free Trade and

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supplying of you with powder, lead, arms and all other things you may need at such prices as the French (who cheat you) cannot do, whereby you may be the better enabled to keep your promises so lately made unto Lord Bellomont, in cutting down trees in the path, so for ever stopping the way to Quebec, since we shall for your safety furnish whatever you want at your own doors and spare you the labour of going so far. The Indians replied; In case we should stop up our roads to Canada, many of our Brethren would be hindered from coming over to us; besides, many amongst us care not to be deprived of the liberty of going whither they please. Yet we think there will be little necessity of going to the French, since we may be so well supplied with what we want from the English. (6) *The Indians promised* to stand by what they now said. (7) *The Commissioners said*: Although a solemn peace had been lately concluded between H.M. and the French King, which was to have lasted for ever, yet thro' his perfidious and false dealings therein, our King will be forced to enter into a new war with him, unless satisfaction be made, for the prosecution of which he is making greater preparations than ever. We make this known to you, that you may not be surprised at it, nor receive any reports which the French may make of us on yr. regard, since we design nor intend anything that may break our Covenants with you, but that in whatever shall happen you may be assured of perfect peace and quiet from us, and unto all those Indians who shall not take any part or assist the French, in case the war should break out again with them. *The Indians answered*: We thank you for your notice of the war. We desire to keep ourselves free, and not to be under the command of any party, and we will endeavour what we can to bring the Indians that live upon the French ground under the same obligations with ourselves. And if any damage happen to be done upon the English by the Indians that may pretend to belong to any of our three Forts of Norridgawog, Ammassakuntick or Narrakamagog, we desire the English would not believe it, till they have sent to us for information; and we promise to make enquiry, and if they belong to us, we will endeavour to do you justice, for if we should not, we should all become equally guilty. (8) *The Commissioners proposed*: For your further assurance and advantage in abiding in yr. country, the Government has thought good to settle with you an Armourer, who shall repair your guns *gratis*, so that you may have no pretence of going to Canada or to the French in these parts for want of this or any supply whatsoever. *The Indians replied*: We are very thankful. Formerly when any of our guns were but a little broken, we looked upon them

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as lost. We promise to bring in no enemies' guns to be mended. Might the Penobscot Indians be included in the benefit of having their guns mended? On that condition they would endeavour to engage them as themselves in this Treaty. *The Commissioners replied*: that all Indians in friendship with us should have the same privilege. (9) *The Commissioners proposed*: that to the intent of perfecting our friendship, we invite your sending some of your children to live amongst us, whom we shall take care of, both for their maintenance and education; and return them at such times as you shall desire. If you are anyways inclinable to have your young men see England and King William, we shall send them, whereby you may be better informed of the circumstances of our Nation. *The Indians desired time to consider.*

June 4. *They replied*: We conclude not to send any of our children to England, because Moxus his son, when he was sent to France, died there; nor to Boston, because we formerly had two there, called John and Robin, which we believe have by this time learned to read and write English enough, and they never yet have been returned amongst us. (10) *The Commissioners replied*: Those two children were taken in war and disposed of by those to whom they did belong. One of them is dead and the other in London, where he is well provided for. We believe he has lost his language and will not incline to return, but if he be willing, we shall use our endeavours to procure him. *The Indians replied*: You ought to force him to come home, for we have a great mind to see him; we forced some of your captives to return home. *The Commissioners replied*: He is out of our Government and we can't force him, but we shall use our utmost endeavours to obtain him. *The Indians desired* that future meetings should be at Merry Meeting. *The Commissioners replied*: The Indians must then prepare a house for our accommodation. *They replied*: that they were willing, and desired timely notice of a meeting by a letter from the Fort at Cascobay. They desired to have a Trading House erected at Merry Meeting. (11) *The Commissioners said*: We cannot avoid taking notice of your affecting or wearing a French Flag or Colours, which, if you purpose to maintain any settled correspondence or friendship with our Nation, must for the future be forborne in this or any part of H.M. Dominions, and that you meet and treat with us under English banners, which at your desire we shall supply you with. *The Indians answered*: that they thought it necessary to have some flag or other, and having no other we put up a white one, but if you will furnish us with an English flag, we promise to wear

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it for the future as a signal between us. (12) *The Commissioners said* : We are in an especial manner directed to invite you unto an Union with us in the true Christian Religion, separated from those foolish superstitions and plain idolatries with which the Roman Catholics, and especially the Jesuits and Missionaries, have corrupted it, to which intent we are to offer you the assistance of Teachers, in which great undertaking we shall expect nothing more on your parts than your good treatment of those Ministers. *The Indians answered* : It much surprizeth us that you should propose anything of Religion to us, for we did not think anything of that nature would have been mentioned. Furthermore, nothing of that nature was mentioned when the Peace was concluded between all Nations. Furthermore, the English formerly neglected to instruct us in Religion, which if they had then offered it to us, we should have embraced it, and detested the Religion which we now profess, but now being instructed by the French, we have promised to be true to God in our Religion, and it is this we profess to stand by. (13) *The Commissioners proposed*, that for a perpetual remembrance of our good agreement, each party should raise a heap of stones. *The Indians agreed* : "We understand it better than signing of a writing." Two heaps of stones were accordingly raised in the place of Treaty ; the English Commissioners each laid one Foundation Stone, and the men then present with them made up the heap in a square pyramid, and the Indian Sagamores and Indians likewise a roundish pyramid to West of the English, upon the point formerly called Andrews Point, now mutually agreed forever hereafter to be called the two Brothers' Point, from the two Pillars.

Upon information of some English captives yet remaining amongst them, a demand was made for their release. *The Indians replied* : we know not of any, but if we can possibly see that Child of ours, which is in England, it will be great encouragement, and we will endeavour to redeem any captives of yours that we can hear of either at Canada or elsewhere.

Concerning the Indians that treated with the Maquas in October last, the Indians say that those Indians went on their own heads. *The Commissioners* : Shall we then tell the Maquas that all that Treaty goes for nothing ? After a considerable nonplus, they replied that those Indians were only sent to know the issue of the Earl of Bellomont's Treaty with the Maquase. *Signed*, John Phillips, Penn Townsend, Natha. Byfield, Jno. Nelson. *Names of the Chief Sachems* : Moxus, Dondomhegon, of Narridgawogg ; Wasahombomet, Abomhomen, alias John Maherimett, of Amassakantick ; Adeawanadon,

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Madagwunesseck, of Narrackamagog. *Endorsed*, Recd. May 11, 1702. *Copy*. 6 *large pp.*

184. ii. Copy of Minutes of Council of the Massachusetts Bay, Dec. 27 and 29. Eight of the Eastern Indians attending, confirmed the above articles, exchanged presents and made request for goods to be sent, for trade with the Penobscot Indians, and ammunition and stores for Norridgawog, etc. *Endorsed as preceding*. 3 *pp.*

184. iii. Memorandum of Minutes of Council of the Massachusetts Bay, Sept. 25, 1701—Feb. 11, 170 $\frac{1}{2}$ .  $\frac{1}{4}$  *p.*

184. iv. Memorandum of Minutes of Council of the Massachusetts Bay, Oct. 15—Dec. 18, 1701. [C.O. 5, 862. Nos. 101, 101.i.—iv.; and (without enclosures) 5, 910. pp. 213—215.]

March 10. 185. Journal of Council of Trade and Plantations. Letter Whitehall. from Col. Codrington, Dec. 30, read, and the Acts of the General Assembly of the Leeward Islands held at Nevis, Dec. last, laid before the Board. [C.O. 391, 14. pp. 351, 352; and 391, 96. No. 42.]

March 10. 186. Minutes of Council of Barbados. Petition of Arthur Slingsby read, praying to be admitted to execute the office of Register in Chancery, which he avers he received in England. The matter ordered to be heard on March 17.

Act to provide a further strength of labour to clear the trenches and repair the breast-works and fortifications was read three times, passed and consented to.

50*l.* paid to Col. George Andrews to be laid out on the fortifications at Read's Bay.

Hon. George Lillington granted leave to go off the Island for some short time. The Hon. John Hooker was appointed Chief Baron of the Court of Exchequer in his room. [C.O. 31, 6. pp. 170—172.]

March 10. 187. Minutes of Council of New York. The Messenger of the Council having been sent by the Governor for David Jamison to come before himself and Council, he went to Jamison's house, and Jamison's wife told him that he might find her husband at Mr. Michael Hawdon's house in this City. Mr. Hawdon told him he had not been there these two days, that he might enquire at Mr. Wenham's house, or any place else, for that he believed him to be out of Town. Mr. Wenham, laughing at him, told him he might enquire elsewhere.

Proclamation [*given below*] ordered to be prepared.

March 11. The Governor produced a letter from Lt. Charles Oliver in Suffolk County, whom he had sent to seize on and take care of a sloop lately run on shore there and the goods therein. Ordered that Henry Ludlow, John Wick and Dr. Nathaniel Wade do, with all the expedition possible after their notice hereof, appear before this Board. The Messenger was paid 3*l.*, according to his agreement with Oliver. Ordered that the Receiver General pay

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to the said Messenger 39s. to be delivered by him to Justice Hobert, he having expended the said sum in seizing and taking care of the said goods before the arrival of Oliver.

The High Sheriff of the County of Westchester having returned the preceipt to him directed by virtue of an order of this Board, Feb. 17, viz. March 4, the jurors find that there is no damage to the King or his subjects in erecting the Manor, except the White Plains, which is in dispute and contest between Caleb Heathcote and the Town of Rye, and excepting James Mott and the rest of the Freeholders of Mamoroneck, which have deeds in the patent of Richbell, to the best of their knowledge and understanding. Ordered that the Solicitor General consider of the premisses, and report thereon.

March 12. He reported that he found nothing therein prejudicial to H.M. or any of his subjects. Ordered that he prepare a Draught of Letters Patent confirming to Caleb Heathcote and his heirs a tract of land purchased of Ann Richbell, bounded as now called by the Christians, southerly by the Sound to Low Water Mark, Easterly by the Easternmost side of Mamoroneck Harbour, thence to the mouth of Mamoroneck River, and from thence with the said River to the head thereof, and thence on a north line until 20 miles from the New York or Country Road is completed, Westerly by the westernmost side of Otter Bay, adjoining on Great Neck, thence to Gutt Creek, which parts Great Neck and East Neck, thence on the westward side of the said Creek to Pepin's Brook, and from thence on a northerly line until 20 English miles from the New York or Country road is completed have the same breadth through the whole manor to the extent thereof as he hath at the New York road; excepting thereout all the lands and meadows alienated by virtue of any deeds from Mrs. Ann Richbell to James Mott, William Penure, John Disbrow, John Nelson, John Williams, Alice Beatfield, Elizar Gidney, Frederick Platts, or any other in the bounds aforesaid, they paying such quit-rents and acknowledgments for the use of the Manor as they are obliged to do by their deeds, and provided the said Letters Patents do not give Heathcote any further title than what he already hath to the land called the White Plains, for which there now is a dispute between him and some of the inhabitants of Rye, the said land to be erected into a Manor by the name of the Manor of Scarsdall at the quit-rent of 5l. New York money, and that the Clerk of the Council prepare a warrant accordingly.

Rip van Dam appearing before this Board, and, according to the tenor of the Proclamation, March 10, acknowledging he was in error, and submitting himself thereon, he was assured that no prosecution shall be made against him for that matter.

Petition of Capt. William Caldwall, Abraham Gouverneur, John Depeyster, David Provoost, Isaac Gouverneur, Robert Sanders and Henry Beekman read, praying a license to purchase lands from the native Indians in Dutchess County. Ordered that a license issue to purchase the same together with all vacant lands adjoining intirely thereto provided the said purchase be made and returned in Council within 12 months, and be made before one

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of H.M. Justices of the said County or of Ulster, and on the return thereof, if the said purchase appear to be too large, the same to be subjected to the discretion of the Governor and Council.

Petition of Samuel Staats, Dyrch Vandenburg and Barne Cosen read, praying a licence to purchase from the Indians about 1,000 acres of vacant land in Westchester County, at the head of the lines of Eastchester and Westchester, and granted, provided the same be made and returned to the Council within 12 months, and be made before one of H.M. Justices of the Peace for the said County.

Petition of John Hardenbergh read, praying a licence to purchase from the Indian Proprietors about 250 acres of vacant land in Ulster County called by the Indians Sakeweneckock and Pogkaenecocke, lying to the North west of the Town of Kingston upon Sawkill Creek, and granted, provided the purchase be made and returned in Council within 12 months, and be made before one of H.M. Justices of the Peace for the said County.

Petition of Albert Rosa read, praying licence to purchase about 300 acres of vacant land from the Indians in Ulster County, called Anquagekank, lying to the north-west of the Town of Kingston upon Sawkill Creek, westerly above William Legg's sawmill near the high mountains, and granted *with the same proviso as preceding.*

Petition of John Middagh read, praying a licence to purchase about 300 acres of vacant land from the Indians, called by them Wenackenick, lying over against Shawengonck Kill on both sides of the Wates Kill in the County of Ulster, and granted, *with the same proviso as preceding.*

Petition of Mark Desachoy read, praying a confirmation of his land on Staten Island on Richmond County with the addition of these words, *be the same more or less within the limits and bounds aforesaid*, there being some small matter of land more than expressed in his former patent, and granted, the quit-rent which was 8s. to be made 10s., and the Attorney General pretending to be indisposed, ordered that the Clerk of the Council prepare a warrant to the Solicitor General to prepare a draft of Letters Patent accordingly.

Ordered that the Mate of the sloop lately stranded in the County of Suffolk do appear before this Board with all the expedition possible after his knowledge of this Order. [C.O. 5, 1184. pp. 627-632.]

March 10. **188.** Copy of Proclamation by Lt. Gov. Nanfan. Since the Proclamation of Jan. 25 (24), several doubts and scruples have risen and been improved by wicked and malitious men, as if any person, tho' wholly drawn in and seduced, and no ways instrumental in drawing in the soldiery, might be prosecuted and undergo very severe pains and penalties by means thereof. By the advice of H.M. Council *declares that* it is not the intent of this Government to prosecute any persons who have either signed or deluded others to sign those false and scandalous

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libells, or justified the signing thereof, except only Col. Nicholas Bayard, and Alderman John Hutchins, so far as the loss of either life or limb, or any other person whatsoever, except only Philip French, Thomas Wenham and Rip van Dam for misdemeanors. And whereas I am credibly informed that Rip van Dam hath been by the other persons aforementioned wrought upon and seduced to sign the said Libells and afterwards to justify the same, I hereby declare that if he shall within seven days appear before myself and H.M. Council, and acknowledge his offence and submit himself thereon, that no prosecution shall be made against him. *Requires* all Justices of the Peace and other officers civil and military to assure the inhabitants of their districts, that while they behave themselves well and truly towards H.M. and his Government here established, they may depend upon full security, protection and encouragement. Fort William Henry, March 10, 1701 (1702). *Signed*, John Nanfan. By order of Council. *Endorsed*, Reed. from Mr. Adderley and Mr. Lodwick. Reed. Read May 12, 1702. 3 pp. [C.O. 5, 1,047. No. 38.]

March 11. 189. Order of the Lords of Council, announcing to the Lords St. James's. Proprietors of Carolina the death of King William and the accession of Queen Anne, and directing them to cause H.M. to be proclaimed in Carolina, "according to the form enclosed," and enclosing H.M. proclamation continuing officers in their places, to be similarly proclaimed. *Signed*, Somerset, P., Burlington, N. Wright, C. S., Manchester, Scarbrough, H. Boyle, Ja. Vernon. *Countersigned*, John Povey. [C.O. 5, 289. p. 87.]

March 11. 190. Order of the Lords of Council, giving similar directions to the Lords Proprietors of the Lucaios or Bahama Islands. *Signed*, Somerset, P., Bolton, Burlington, Scarborough, R. Ferrers, Tho. Cantuar, N. Wright, Devonshire, Manchester, Carlisle, E. M., Stamford. [C.O. 5, 289. p. 89.]

March 11. 191. Similar Order of Lords of Privy Council to the Governors of Plantations in America. *Signed*, Tho. Cantuar, N. Wright, C.S., Sommersett, P., Devonshire, Carlisle, E.M., Burlington, Manchester, Scarbrough, Stamford, Oxford, Ferrers. 2 pp. *Enclosed*,

191. i. Copy of Proclamation referred to above. 1½ pp. *The whole endorsed*, Reed. March 20, 1701. [C.O. 323, 3. Nos. 117, 117.i.; and 324, 8. pp. 82-84.]

March 11. 192. Minutes of Council of Virginia. William Robertson, Royal College of William and Mary appointed Clerk of the Council, took the oaths, etc., appointed. Ordered that all the Books and Papers belonging to the Council Office now in the custody of Mr. Chicheley Corbin Thacker, Clerk of the Secretary's Office, be delivered up to him.

Letter from Major Burwell laid before the Council, wherein he acknowledges that he had received a letter from the Lords Commissioners of Trade, acquainting him that H.M. had been

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graciously pleased to appoint him one of the Council in Virginia, but knowing himself altogether unable to serve in such a post, he had therefore deferred producing it, until such time as he could make his application to their Lordships for a release from, which he had done.

The Hon. Col. Wm. Byrd's absence excused.

March 12. Mr. Robert Beverley by his petition setting forth that at the trial of a cause between him and Samuel Selden before the Court of Elizabeth City County, Major Anthony Armistead, one of the Justices, and first in Commission then upon the Bench, did notoriously abuse him, and the Court permitted Selden in open Court to utter several scandalous expressions against him, without giving him any check, Ordered that a copy of Mr. Beverley's petition be sent to those Justices for their answer at the next meeting of Council.

Upon the petition of John Lewis, praying that a Commission of Administration on the estate of George Warner, decd., might be granted him under the seal of this Colony, the said Commission was granted and signed.

Mr. Benjamin Harrison, Council for the King, informing this Board that process is issued against Col. Wm. Byrd and Lt. Col. Wm. Wilson for their failing to pay the full dutys of some wines said to be imported by them in the *William of Virginia*, William Boswell, master, about June 20, 1700, ordered that the Collector and Naval Officer of the Lower District of James River do transmit to the Clerk of the General Court all their books of entries for June, 1700.

Ordered that the Clerk of Elizabeth City County transmit to the Clerk of the General Court all the roughs of the Records of the said County Court for these three years past, to the end that the necessary directions may be given for issuing process against such persons as are suspected to have falsified the same, pursuant to the order of the General Court, Oct. 21, 1701.

H.E. by and with the advice and consent of H.M. Council appointed the following Justices of the Peace for King William County (which by Act of Assembly is to be divided from King and Queen County from and after April 11);—Henry Fox, John Waller, John West, Henry Maddison, William Clayborne, Richard Gissedge, to be of the Quorum; Martin Palmer, Daniel Miles, Roger Mallory, Thomas Carr, William Noy, George Dabnie, and Thomas Teory. Also, John West to be Col. and Commander in Chief of all the Militia within the said County, William Clayborne, Lt. Col., and John Waller, Major, and they are hereby directed to transmit to H.E. a list under their hands of such persons as they shall think most fit to be Captains and other Commissions Officers under their command.

John Waller having petitioned H.E. to be appointed Clerk of King William County, the Council was unanimously of opinion that it will be most for H.M. service and the interest of that County that he be continued in the Commission of the Peace, but forasmuch as he hath upon several occasions given proofs of his

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diligence and fidelity in discharging the trusts reposed in him H.E. appointed him Sheriff of the County for 1702.

Upon a ballot being taken between William Aylett and Orlando Jones for the Clerkship of King County, the former was appointed.

H.E. appointed John Walker, Gent., to be Sheriff of King and Queen County, 1702.

The petition of William Westertoun and the other workmen employed about building the Capitol was referred to the Committee for inspecting it.

H.E. signed a patent to Mr. Chicheley Corbin Thacker for 1,080 acres of land in Pamunkee Neck.

Upon reading a petition from Drommaco, Chief Munguy and Ruler of the Chickahominy Indians in behalf of himself and his great men, representing several matters relating to the land appointed for them by the General Assembly between the two Herring Creeks, it being considered by H.E. and the Council that several questions of right may arise concerning the said land, ordered that the Interpreter of the Chickahominy Indians do bring them before H.E. and Council the sixth day of next General Court. Copies of this petition and order to be sent to the sheriff of King and Queen County.

Address to H.M. signed.

H.E. laid before the Council a letter from Col. Andrew Hamilton, Governor of the Jerseys, wherein he says that Mr. Penn at his going for Europe had thought fit to commit the Government of his Province and Territory to his care, and that he should endeavour to preserve a good understanding between the said Province and this H.M. Colony. H.E. thereupon acquainted the Council that Hamilton having formally taken upon him the Government of the Jerseys without H.M. approbation, and now also accepting the Government of Pennsylvania from Mr. Penn, who had not the right of Government himself, much less could transfer it to another without being approved by H.M. as the Act of Parliament directs, he thought it not proper to answer the said letter, nor hold any correspondence with Hamilton, to which the Council agree.

H.E. laid before the Council a letter from Lt. Gov. Nanfan, Oct. 24, 1701, in answer to H.E.'s letter of Oct. 2, relating to the quota of men, which was read. It was the opinion of the Council that nothing further is necessary to be done.

H.E. laid before the Council several letters and other papers, whch. he lately received from New York, giving an account of the divisions and distractions of that Government, and acquainted that he did intend (God willing), if no extraordinary business happened, to go for Maryland to consult with Governor Blakiston about the most effectual method to be taken by them for H.M. service in preserving the quiet of the Province of New York till such time as a new Governor arrives there. The Council approved of H.E.'s good intentions in endeavouring to compose those unhappy differences, which if continued may endanger the peace and safety of this Colony.

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H.E. said that he had been lately at the Manikin Town, where he had received several petitions from the French Refugees, relating to private differences amongst themselves, upon consideration whereof it is thought absolutely necessary that some persons be appointed as Magistrates to govern them and determine such cases. Committee appointed to draw up a Commission for Mr. Chalin and Abraham Nicod accordingly.

Upon the petition of M. de Joux, Minister, and other the Vestrymen amongst the French Refugees at the Manikin Town, praying that M. Charles de Sailly be ordered to give an account of several sums of money by him received at London for the use of the Refugees and for building of a Church, ordered that a copy of the petition be sent to him for his answer at the next meeting of the Council.

Petition of the French Refugees relating to the laying out their land at the Manikin Town is referred till such time as the survey of the land be returned.

H.E. laid before the Council a letter which he had received from Messrs. Micajah Perry and Co., London, Oct. 28, 1701, intimating that by order of his Grace of Canterbury and the Lord Bishop of London they had consigned to H.E. a cargo of goods for the relief of the French Refugees, to be disposed of as he should find for their most general good, the whole amounting to 506*l.* 0*s.* 11*d.* The Council is of opinion that the cargo consists of such goods as cannot possibly be distributed amongst the Refugees in a due and regular proportion. Ordered that the goods be disposed of, and the money arising therefrom applied towards purchasing stocks of cattell and other things which the Refugees do or may hereafter more immediately stand in need of. The cargo meantime to be stored.

Warrant issued to Capt. Moodie to impress carpenters for careening H.M.S. *Southampton*, in any part of the Colony, and, in case of necessity from merchants' ships, but as sparingly as possible.

Proclamation ordered proroguing the General Assembly till April 23, the proclamation to lie in the Secretary's Office till six days hence, that if in the meantime any orders shall arrive from England which may require the speedy meeting of the Assembly, the said proclamation may not issue.

*Memorandum.* On March 13 H.E. received a letter from Col. Benjamin Harrison that for the third time since the General Court the River had prevented his attendance, the wind blowing so hard that he could not get his horse over; that he lives so far from the Ferry, if it be a calm morning, unless it proves so all day, before he can get down the wind rises, and there is no place of entertainment near to it, to take the advantage of the morning and evening, which many times prove calm when the days are windie. [C.O. 5, 1409. pp. 197-203.]

March 12. 193. Board of Ordnance to the Council of Trade and Office of Plantations. We enclose estimate [below], but cannot do so for the masts for floating a chain at the entrance of St. John's

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Harbour in Newfoundland with a boom, etc., it relating not to our Office but to the Navy, as we acquainted your Lordships, Jan. 31. *Signed*, C. Musgrave, J. Pulteney, Wm. Boulter, John Charlton, Ja. Lowther. *Endorsed*, Recd. Read March 16, 1702.  $1\frac{1}{2}$  p. *Enclosed*,

193. i. Office of Ordnance, March 12, 1702. Estimate of the charge of the Ordnance, Mortar pieces and stores of war mentioned in an accompt received from the Lords of Trade, Feb. 13, 1702. *The total estimate* amounts to 23,070l. 7s. 9d. 3 pp. [C.O. 323, 3. Nos. 115, 118; and 324, 8. pp. 70-73.]

March 12. 194. Journal of Council of Trade and Plantations. Letter Whitehall, from Capt. Powel, with a petition from the soldiers at Newfoundland, desiring to be discharged from contributing to the maintenance of a Minister there, was read, but not thought fit to be complied with.

Letter from Mr. Thurston, Feb. 3, read. Ordered that copies be prepared to be given to the Commodore of the Newfoundland Convoy, in order to his examining into the state of the matters referred to.

Representation upon Newfoundland considered. Mr. Thurston ordered to attend to-morrow.

Order of March 6 from Sir Rowland Gwynne, Chairman of the Committee of the House of Commons, upon Mr. Hodges's petition, was laid before the Board. Directions given that the papers thereby required be laid before that Committee.

March 13. Report to the House of Commons in answer to their Order of Feb. 26, relating to the proceedings of this Board upon complaints of the Courts of Justice in the Plantations, was agreed upon.

Ordered that the Representation be prepared to be laid before Her Majesty to the like effect as that laid before the King, Jan. 24, concerning the state of defence of the Plantations. [C.O. 391, 14. pp. 352-355; and 391, 96. Nos. 43, 44.]

March 13. 195. Governor Bennett to Mr. Popple. The store ship *Bermuda*, from the Tower is arrived here, which gives a new life to the defence of this place, expecting at the latter end of the year (if there be a war) that the French will visit us, they in their return home being obliged to come into this Latitude. By letter from the Governor of Nevis, Jan. 28, I am informed that there are at Martinico 30 [French] men of war, etc. Mr. Jones has been indicted very often this Assises, which is now over, and found guilty in the following:—one for perjury, three for extortion on account of his fees, three for breaking open people's houses to execute writs, one for false imprisonment, and in one for exposing the Castle, of which he was Capt., by having a very small quantity of powder there. *Signed*, B. Bennett. *Endorsed*, Recd. 8th. Read May 13, 1702.  $1\frac{1}{2}$  pp. *Enclosed*,

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195. i. List of the French Fleet, commanded by Le Comte Chateau Renaugh [*Châteaurenau*], at anchor in Fort Royal and Port Saint Peire's at Martineco.

<i>Ships.</i>	<i>Captains.</i>	<i>Guns.</i>	<i>Men.</i>
<i>Le Merveilleux</i>	Vice Admiral Château Renaud.	104	700
<i>Le Monarch</i> ..	Lt. Gen. Le Marquis Nerman.	96	700
<i>Le Vinguer</i> ..	M. Rose Maonq, Cheife de Esquadron.	84	600
<i>Le Superbe</i> ..	M. Charelloyre ..	70	550
<i>Le Espron</i> ..	M. de Beausen ..	70	500
<i>Le Orgeleux</i> ..	M. Lt. Chev. de Choftan [?Chasteau] Regnant.	90	550
<i>Le Fort</i> ..	M. Le de Parron Depelliere.	70	500
<i>Le Constant</i> ..	M. Le Manchan ..	70	500
<i>Le Invincible</i> ..	M. Le Ceguillo ..	70	500
<i>Le Firm</i> ..	M. du Pallay ..	70	450
<i>Le Esperance</i>	M. de Legollissomiere	70	500
<i>Le Bourbourne</i>	M. le Conte de Blanac	70	500
<i>Le Biguare</i> ..	M. Villar ..	66	450
<i>Le Juste</i> ..	M. Carouch Allart ..	66	400
<i>Le Ole</i> ..	M. de Ferrerie ..	66	400
<i>Le Henry</i> ..	M. de Condray ..	66	400
<i>Le St. Louis</i> ..	M. de Genisne Mouniere.	64	380
<i>Le Pesselant</i> ..	M. de Serbie ..	60	380
<i>Lassiere</i> ..	M. Delligree ..	60	380
<i>Le Prudent</i> ..	M. de Grandpre ..	60	380
<i>L'orriflame</i> ..	M. de Pasle ..	60	380
<i>Le Trydent</i> ..	M. Devaine ..	60	380
<i>Le Surrene</i> ..	M. de Mongron ..	60	380
<i>Le Capeable</i> ..	M. Delaroize person ..	60	380
<i>Le Modere</i> ..	M. Bombron ..	54	300
<i>Le Solide</i> ..	M. Chambellin ..	54	300
<i>Le Vollantiere</i>	M. Lanquin ..	44	200
<i>Le Dauphin</i> ..	M. Dupissencour ..	44	200
5 fire ships and two cravats.			

1 p. [C.O. 37, 3. Nos. 65, 65.i.; and (without enclosure) 38, 5. pp. 215, 216.]

March 13. 196. Order of Committee of the House of Commons. That the Council of Trade and Plantations lay before them a copy of their Commission; Instructions of the Governors of New England, New York, Jamaica and Virginia; the several Acts made in Jamaica for giving presents to Governor Beeston, and the reports of the Council of Trade on each of them; all the Memorials laid by the Agents of the Island [? Barbados] before the Commissioners of Trade relating to the ill condition of the Speaker's Chambers.

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Island by the defect of their fortifications and want of stores, magazeens, etc., and praying to be furnished with cannon. *Signed*, R. Gwynne. *Endorsed*, Reed. Read March 16, 170 $\frac{1}{2}$ .  $\frac{3}{4}$  p. [C.O. 28, 6. No. 43.]

March 16. **197.** Circular letter from the Council of Trade and Whitehall. Plantations to the Governors of H.M. Plantations. Being directed by an Order of Council to send to the Governors of H.M. Plantations for an account whether the Courts of Admiralty there are held by virtue of the power given them by the Commission they receive from the Lords Commissioners of the Admiralty, or by virtue of a clause under the Great Seal of England empowering them to erect the said Courts of Admiralty, we send you here inclosed a copy of the said Order that you may thereby understand the ground of the enquiry, and accordingly return to us the account demanded. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Mat. Prior. [C.O. 324, 8. p. 74.]

March 16. **198.** William Popple to David Crawford, Deputy Whitehall. Commissary General of the Musters. Enclosing muster-rolls of the Independent Company of Soldiers at Newfoundland. [C.O. 195, 3. p. 50.]

[March 16.] **199.** i. An account of money wanting for the Company at Newfoundland, 1702. *Total*, 729*l.* 2*s.* 6*d.*  $\frac{3}{4}$  p.  
 ii. An account of small cloathing to be sent the Company at Newfoundland, 1702. *Total value*, 72*l.* 17*s.* 4*d.*  $\frac{3}{4}$  p.  
 iii. An account of Provisions sent to Newfoundland for 102 soldiers for 1701. 1 p. *The whole endorsed*, Presented by Mr. Thurston. Reed. Read March 16, 170 $\frac{1}{2}$ . [C.O. 194, 2. Nos. 60-62; and 195, 3. pp. 51-53.]

March 16. **200.** Council of Trade and Plantations to the Earl of Whitehall. Manchester. Enclosing draughts of warrants for H.M. signature to the several Governors of the Plantations empowering them to use the old Seals. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *Annexed*,  
 200. i. Draught of warrant referred to in preceding. [C.O. 324, 8. pp. 78, 79.]

March 16. **201.** Council of Trade and Plantations to the House of Commons. Reply to Order of Feb. 26, giving an account of their proceedings with relation to the complaints made to them of the Courts of Justice in the Plantations. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 324, 8. pp. 75-77.]

March 16. **202.** Journal of Council of Trade and Plantations. Order of March 13, from Sir Rowland Gwynne, Chairman of the Committee of the House of Commons, upon Mr. Hodges's petition, was read.

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Directions given for laying the papers therein required before that Committee.

Answer to the Order of the House of Commons, Feb. 26, signed. Mr. Blathwayt was desired to lay it before the House.

Mr. Thurston presented to the Board an account of money wanting for the Company at Newfoundland, also an account of small cloathing, with an account of provisions to be sent to them for 1702, which being read, their Lordships agreed upon a Representation relating to Newfoundland, and ordered it to be transcribed, and the said accounts annexed thereto.

Ordered that the Muster-Rolls of the Company at Newfoundland received from Capt. Graydon be sent to Mr. Crawford.

Letter from the Board of Ordnance, March 12, received and read.

Circular letters to the Governors of New Hampshire, the Massachusetts Bay, New York, Maryland, Virginia, Barbadoes, Leeward Islands, Jamaica and Bermuda, upon the Order of Council, Dec. 18, signed.

Circular Letters to transmit Her Majesty's Proclamation for continuing Officers, etc., to all the Governors and Proprietors of H.M. Plantations in America, agreed upon.

Letter to the Earl of Manchester with warrants for H.M. signature, empowering the several Governors in America to use the several seals with his late Majesty's name and inscription till further order, signed.

March 17. Representation relating to Newfoundland signed.

Letter to Governor Bennett signed.

Letter to Col. Codrington agreed upon.

Col. Quary presented to the Board two Memorials relating to Virginia. Ordered that they be taken into consideration together with such parts of the letters lately received from Col. Nicholson as may relate to the same subject.

March 18. Letter to the Lord Cornbury ordered, to cause Her Majesty to be proclaimed in the Jerseys.

Memorial from Mr. Thurston, praying for some allowance for his service as Agent of the Company at Newfoundland for 3 years last past, being read, their Lordships added a clause to the Representation signed yesterday, proposing that 100*l.* be allowed him for his said service, and 40*l.* per annum during his Agency.

March 19. Circular letters to all the Governors and Proprietors in America to transmit H.M. Proclamation for continuing officers, etc., signed.

Petition of Mr. Usher, relating to his accounts as Treasurer of the Massachusetts Bay, and praying that a like Instruction be given to Col. Dudley, as was given to the Earl of Bellomont thereupon, being read, Ordered that a letter to Col. Dudley be prepared accordingly.

Letter from Mr. Skene, Secretary of Barbadoes, Nov. 19, 1701, read.

Memorial from Mr. Fullerton in reply to the Council of Barbadoes's answer to Mr. Skene's Memorial, read. Ordered that a Copy be sent to the Lord Grey, and his answer desired.

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Letter from Mr. Larkin, Maryland, Dec. 5, 1701, read. Upon that paragraph which relates to the arrival in Pennsylvania of How and Churchill, letter ordered to be writ to the Advocate to the Lord High Admiral, to enquire whether they were pardoned here, or how they came to have their liberty. [C.O. 391, 14. pp. 355-362; and 391, 96. Nos. 45-48.]

March 16. **203.** Journal of House of Delegates of Maryland. Several writs ordered to be issued for election of Members.

Port of  
Annapolis.

The House attending the Council Chamber, H.E. addressed them;—I have never convened you other than the immediate affairs of the Province have required, and that not more than once a year, neither should I have called you now so early in the Spring but that some concernes of moment require your concurrence. The Law for establishing Religious Worship in this Province according to the Church of England, which you made last, and sent home, is now returned by H.M. for your assent, and you'll find the alterations that are made but very little, and those such visible amendments to our advantage, being corrected by so wise an hand, we ought to be proud of the pattern in confirming it. Your Journal of Assembly will make it appear that this was humbly requested by Yourselves in an Address to H.M., that he would be pleased to order it to be drawn as he should judge fitt, and to be remitted to you for your concurrence. And since this Law was so unanimously made by you, I have not the least doubt that any crafty insinuations will abate your good intentions in confirming so glorious and good an Act, but that you will cheerfully joyn in putting it upon that foot H.M. has graciously given us an handle to doe, that for the future it may not be within the reach of our opponents to shock it again. Tho' their efforts have proved feeble hitherto, yet you ought not to trust it any longer, but endeavour to plant it firme to your posterity, which will be a most lasting testimony of your virtues. *Recommends H.M. Letter of Jan. 19, 1700, concerning the quota.* “I have been some years among you, and you have always found me strictly just to you. Wherefore, if I have any credit with you, it's my real opinion you cannot be kinder to yourselves than in shewing your ready compliance, etc.”

March 17. It being moved that whereas Kent County is nere at hand, and forasmuch as there are not sufficient Justices in the County to hold a Court, unless a Member of this House, one of the Justices, be permitted to go to supply that defect, Resolved that a Bill be prepared for adjournment of that Court till the first Tuesday in April.

It being moved, the great hardship of the Publick Officers for not recovering their fees in due time for want of regulating the Law, a Committee was appointed to report on the Law for Officers' fees.

Bill relating to Horse Rangers ordered to be prepared.

Petition of Edward Laddemor, referred from last Session, referred till he and his wife appear according to a former order of this House.

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Consideration of the Bill for the establishment of Religious Worship and of H.M. Letter as to the contribution of a Quota to New York, now recommended by the Council, referred till there be a full House.

Bill relating to the Grand Jury and their speedy attendance on the Provincial Court, etc., ordered to be prepared.

Committee of Laws ordered to enquire into the charges and the title of Col. Talbot to certain land proposed to be sold for refunding the great charges of this Province heretofore expended on his behalf for imprisonment fees, etc.

Upon a message from H.E. and Council of May 15, 1701, for appointing an Agent, referred to this Session, Resolved that this House have no occasion of any at present.

Petition of John Needles of Talbot County and his wife and other children of Edward Mann, relating to a paper testament of Mann, referred to a Committee.

Petition of Thomas Love of St. Mary's County read and rejected.

Committee of Laws appointed to consider of several matters.

The proposal of a Member, whether it be not reasonable that a Law be provided for payment of rents of orphans' lands in the time of their minority, referred.

The Committee of Laws recommended that the will of Edward Mann (which was not formally signed in the presence of three witnesses) be confirmed by the Assembly. The House agreed to the report of the Committee which was ordered to be sent up.

March 18. Petition of the Justices of Calvert County relating to their Court House, setting forth the deficiency of their title to the land whereon the Court House stands, and praying relief, read.

Bill for that purpose ordered to be prepared.

The answer to the Message yesterday relating to H.E.'s speech—the consideration whereof is referred for several weighty reasons till to-morrow morning.

H.E. and Council consented to the bringing in of a Bill to confirm the deficient testament of Edward Mann. Bill ordered to be prepared accordingly.

Letter from the Council of Trade to H.E., July 22, 1701, requiring information relating to the conduct of Proprietary Governments, etc., sent down. H.E. and Council requested the Burgesses to represent what they knew or had heard, either in respect to this Province, whilst under Proprietary Governments, or otherwise of Pennsylvania and the Jerseys, according to their Lordships' desire. "And inasmuch as it has been offered at this Board that some Gentlemen of known probity now in your House have reported that they were sensible the fourteen pence per tun formerly and yet taken by and paid to the Lord Baltimore, or Port Duties, was intended and given for the maintenance of Forts and defence of the Province and was originally stiled and called Fort Duties, and not Port Duties, but by some sinister means, contrary to the intent of the Assembly that gave it, was altered and changed into Port Duties, therefore we desire you will enquire into this matter, and endeavour to get

1702.

the best information and satisfaction you can therein, the said Revenue of 14*d.* per tun being of great emolument, and in case it be made appear to be misapplied, that is, contrary to the intent it was rais'd for, proper meanes may be used to regain that disadvantage to the Province." The House, after debate, replied, that as to the first and second observations of the Council of Trade [see *A. and W.I.*, 1701, No. 661*i.*], wherein it's said they assumed to themselves a power to make Laws, and such Laws as they enact they refuse to send home, this House say they know no such thing. As to Appeals, it is acknowledged by this House that in the time of the Proprietary Government here, Appeals for England have been denied. As to pyrates and illegal Traders, this House say they never knew of any to be harboured or favoured in this Province. As to raising and lowering coin, etc., this House say that Pennsylvania hath opportunity under a Proprietary Government of advancing their coin, which hath been found very prejudicial to this Province, but for drawing away servants, and people harbouring fugitives, this House know not any such thing done by any publick countenance or authority. As to the question of defence, this House say they find themselves in a very good state and condition, but as to their neighbouring Colonies this House say nothing. [*C.O.* 5, 744. *pp.* 237-254.]

March 16. **204.** Minutes of Council in Assembly of Maryland. *See preceding abstract.*

March 17. Ordered that the Commanders in Chief in every County, being Justices of the Peace, tender the oaths appointed to the Officers of Militia under their command. H.E. acquainted the Council that, for the credit of the country, and that we may be the more capable of expressing our duty and affection to H.M. upon his birthday, Coronation day, etc., and otherwise of saluting any ships or strangers that may come to this Port, he had procured 14 guns and caused them to be mounted on the State House Hill, which was very well approved of as very creditable and necessary. *And see preceding abstract.*

March 18. *See preceding abstract.*

Petition of the inhabitants of Putuxent and Collingwood Hundreds in Prince George's County read, praying that St. Paul's parish may be divided into two parishes. Yet this Board, altho' the taxables in that parish are daily increasing, not thinking it will be sufficient to maintain two Ministers, do not think it convenient to make such division at present.

Ordered that the Sheriffs of St. Mary's and Charles Counties, Mrs. Ann Baine, executrix of Capt. Jno. Baine, Mrs. Susannah Mason, executrix of Robert Mason, late Sheriff of St. Mary's County, Col. Jno. Cood, Col. Henry Lowe and the Vestry of the said Parish, appear and render an account of the 40*lb.* per poll, since 1692.

Petition of John Wathen read, complaining that the said Vestry delayed to pay him according to agreement for his work done to the Church at Newport. Ordered that the parties appear before the Board. [*C.O.* 5, 744. *pp.* 97-109.]

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[March 17.] **205.** J. Thurston to the Council of Trade and Plantations. The Agent for Newfoundland being ordered in Nov., 1699, to Sheerness to account with and pay off several recruits sent back to England, for the charge of which journey he has as yet had no consideration, he most humbly prays that some allowance may be made him for the same, and that the Lords Commissioners for Trade will represent what they shall see fit to be allowed in their report to the Queen, together with something for the Agent's pains and trouble in three years solicitation of the Company's business, for which he has never had one farthing. *Signed*, J. Thurston. *Endorsed*, Reed. Read March 17, 170 $\frac{1}{2}$ . 1 p. [C.O. 194, 2. No. 63; and 195, 3. p. 54.]

March 17. **206.** Council of Trade and Plantations to Governor Bennett.

Whitehall. We have received your letters of Aug. 28 and Oct. 31. We expect the issue of Mr. Jones's trial, and upon the account which you shall give us of the whole matter, we shall proceed as there may be occasion, with due respect to the King's service, and to your character as H.M. Lieutenant Governor. And as to the sloop, when we have that full account which you expect and promise us, we will also take care to make use of it as may be necessary. We have perused the Act of Assembly that you have sent us against the oppression and extortion of officers, but as that Act is wholly grounded upon the crimes imputed to the said Jones, we are obliged also upon that account to wait for the issue of his trial, or otherwise to hear what he may have to say, before we report upon it. We desire you to send the rest of the Acts as soon as possible. We are satisfied that the Assembly have past an Act for repairing the Castle and Forts and that you have taken care that Trenches be cast up in all places necessary, and that the Militia be constantly kept in readiness for service. We enclose an account of all the stores of war that have been sent to the Bermudas since your Commission for that Government. We desire you to acquaint us with your having received them. These stores being the full of what you asked, we presume those Islands will be in a sufficient posture of defence. We observe with just regard your endeavours in reforming the irregularities that have too long prevailed in that place, and the hopes you have to succeed therein. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 38, 5. pp. 191-193.]

March 17. **207.** Council of Trade and Plantations to the Queen.

Whitehall. The season of the year approaching for the usual convoys to be sent to Newfoundland, we humbly take leave to lay before your Majesty such account of the state of that place as we conceive necessary for the further security and advantage thereof. The importance of that Trade and Fishery being very great to this Kingdom, and several provisions having been made by a late Act of Parliament for the better regulating the same, we did in pursuance thereof prepare particular heads of enquiry and directions, which were accordingly given by the Lords Commissioners of the Admiralty to Capt. Graydon, C. in C. of the

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Squadron sent thither the last year, unto which we received answers. It appears to us that the inhabitants in general have not a due regard to the several Regulations for the more advantagious management of the Fishery, it being found that northward of St. John's as far as Carboniere and to the Southward as far as Ferryland, the trees are ruined and the woods destroyed as much as before the late Act. The Admirals and masters of ships do not exactly observe the rules prescribed by Act of Parliament. The vessels from New England supply the people of Newfoundland with provisions. European commodities are carried directly from France, Spain and Portugal to Newfoundland in English ships contrary to Law, and sold or truckt with the traders from New England for tobacco, sugar and other of the enumerated commodities and carried to foreign parts, so that at the latter end of the year the Masters are wholly taken up in the management of that illegal trade, which might in some measure be prevented, had the officer or officers commanding your Majesty's ships power like that of a Custom House Officer to seize such goods. The New England Traders seldom depart the country till the men of war are first sailed, and then they carry with them numbers of handy-craftsmen, seamen and fishermen, whom they intice thither in expectation of great wages. The Masters of ships are very negligent in bringing the Greenmen home, whereby they save the charge of their passage, and those men so left are inticed and carried to New England. Against which irregularities we humbly conceive it necessary that the Commander of the Convoy now going thither be directed to take care as far as in him lies, that upon his arrival there the best remedies be applied for the prevention of those mischiefs, and that upon his report some further clauses be proposed at the next Sessions of Parliament for the more effectual regulating that Trade.

As to the state of the Fortifications in St. John's Harbour, wch. is the principal place of defence, we have already humbly represented that stone and other materials are wanting for completing the same, for the transporting of which we have disposed some merchants to be assistant with their ships at easy charge, etc. *Repeat recommendations of Representation of March 6.* And whereas your Majesty has there one Company of Foot consisting of 80 men besides Officers, for whom all necessities are yearly sent by every convoy, we humbly lay before your Majesty hereunto annexed the several accounts of what appears to us to be wanting for their support in subsistance, cloathing and provisions, for the providing of which the most speedy orders are requisite. We have received from Capt. Powell, their Commander, several letters of complaint against their Agent here, as if he had not duly remitted the subsistance money allowed them according to their establishment, to which having required the said Agent to give answer, he has laid before us such accounts of his transactions as seem unto us to be without exception. But in order to the more perfect examination of those matters, we humbly offer that copies of all papers relating thereto be given to the Commander of this year's convoy, and that he be

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directed to report his opinion thereupon, and redress as far as in him lies what he shall find amiss. We likewise humbly represent that the Commander of the Newfoundland Convoy may have the like commission to command in chief the soldiers in pay there, as has been given the former years. And whereas we have also received from the Lord Bishop of London a great complaint of the ill and scandalous usage that Mr. Jackson, the Minister of St. John's in Newfoundland, hath received from Capt. Powell and Samuel Francis, his first Lieutenant, and of their profligate lives, which is of very ill example to the soldiers and inhabitants of that place, we cannot but represent to your Majesty that one or both of them be removed from their employments there, and succeeded by such as may behave themselves as they ought to do. And whereas Mr. John Thurston has been employed for 3 years past in the business of Newfoundland relating to the soldiers there, which has been a matter of great trouble and some expence, for which he has yet had no reward, we do think he may deserve 100*l.* in consideration of his said services and expenses, and that an allowance of 40*l.* per annum be allowed him for the future during the said Agency, the Company there no ways contributing thereto. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 195, 3. pp. 55-62.]

[March 17.] **208.** Heads of the [*above*] Representation upon Newfoundland. *In Mr. Popple's handwriting.* 1 p. [C.O. 194, 2. No. 65.]

March 17. **209.** Col. Quary to the Council of Trade and Plantations. Memorial touching the present state of Virginia.

That H.E. the Governor since his coming to the Government hath very much advanced her Majesty's Revenue is evident, and I hope to your Lordships' great satisfaction sufficiently demonstrated, by the accounts thereof stated and transmitted to your Lordships. He hath from time to time used all the endeavours possible with the Assembly of that Colony to have a house built for the reception of the Governor according to your Lordships' Instructions, as may be seen by his several Speeches and Messages upon that subject in the Assembly Journals, but their continued answer is, that the Country at this time is not in a condition to sustain so great a charge, there being many publick debts and contingent charges to defray and the Capitol still to be built, which requires great and vast expences, and that having no fund to carry on that work, they cannot at present comply therewith.

So that (with submission to your Lordships' better judgment) unless some stricter commands be sent over for that purpose it is not like to be effected this many years. There is all the care imaginable taken to perfect and finish the Revisal of the Laws, which will be done according to your Lordships' Instructions. The publick business is encreased tenfold to what it was, and persons sufficiently qualified as Assistants to carry on and finish that work are much wanted, but care is taken to obtain them and orders to send all the Acts under a separate Seal.

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I am also commanded to lay before your Lordships the inconveniences of the Government here. The major part of the Gentlemen of the Council live so remote from the Seat of the Government and over such great Rivers, that it is a great difficulty in getting the Council to meet, which occasions great delay in H.M. business, for the remedying whereof his Excellency in his several letters transmitted to your Lordships, hath proposed three very worthy Gentlemen who live very contiguous to the Seat of the Government, without any River to pass, so that they being added to the Council, it will be more easy to effect the publick concerns of the Government, to which letters I humbly refer your Lordships.

I have not much more to add, but in answer to what your Lordships were pleased to write unto his Excellency concerning the French Protestant Refugees. His Excellency's indefatigable care therein, and the proceedings of the Assembly thereupon may plainly appear to your Lordships, if your Lordships please to inspect the separate Journal of that matter.

The publick Business encreases so fast that it is a very hard matter to get anyone qualified to act as Clerk of H.M. Council, or as Attorney General to leave their homes and reside at the Seat of the Government, which indispensably ought to be, the salary now allowed is so very small and inconsiderable. For the remedying whereof H.E. and all the Gentlemen of the Honble. Council have sent an humble proposal, and laid down ways and means to encrease the salary of those places, that they may be supplyed with able and judicious men, who may have their cheif interest and dependance thereupon. And it is further proposed by H.E. as a thing much conducing to H.M. interest and service that whosoever is commissionated Attorney General should be Advocate of H.M. Court of Vice-Admiralty there, it being thought very detrimental to the interest of the Crown, to have them to be two distinct persons. *Signed, Robt. Quary. Endorsed,* Reed. 16th. Read March 17, 170 $\frac{1}{2}$ . 5 $\frac{3}{4}$  pp. [C.O. 5, 1312. No. 28; and 5, 1360. pp. 102-106.]

March 17. **210.** Col. Quary to the Council of Trade and Plantations. Memorial upon the state of defence of Virginia.

H. E. the Governor hath and doth take all the care and pains possible to have all the Militia of that Government duly exercised and trained, going himself in person to the several Counties to see the same performed, so that the country is now (as to its Militia, consisting of Horse Dragoons and Foot) put into as good a posture of defence, as it is capable of.

But such is the weak and defenceless condition of the country, the Militia of the whole country not amounting to above eight thousand men, and they so undisciplined and unskillful and in such great want of arms and ammunition proper and fit for action, that not one fourth of the Militia is fit to oppose an enemy, and they too must (if there should be occasion) be drawn from all parts of the country. Besides there are no magazines or stores of war in the country, a considerable part being burnt or destroyed

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by the late fire—wherein the State house of the country was consumed. Now that this Colony may be the better put into a capacity to defend itself, it is humbly offered that cannon powder is altogether useless for our land forces, because not fit for small arms, neither will it keep. And therefore the best stores of war to be sent to this country would be pistol powder and pistol bullets, which is fit for all manner of service, and some hand mortars and granadoes suitable and fit for them, with Granadeer and Dragoon arms. And to render the same more effectual, it is humbly proposed that his most sacred Majesty be addressed to send two Engineers or Fire-masters well skilled in managing mortar pieces and granadoes and all fire-works for war, and that all materials for that purpose and for making fire-ships may be sent also. The charge of all which may be defrayed out of his Majesty's revenue of Quitt Rents or by tax or by imposition of six pence or more to be laid upon every hhd. of Tobacco, which will not be felt in trade. As to the Land Fortifications, we have not any, what have been heretofore are demolished, neither indeed can they be to the benefit, but rather disadvantage of the country, for Land Fortifications cannot be made sufficient to defend this country from the danger of enemies, privateers or pirates. 1st, Because the country being low towards the sea, rivers and creeks, there are landings where there are no Plantations. So that it will be easy to come upon the backs of those who are to defend the fortifications, and having once possessed themselves thereof to make use of the guns against the country. 2nd, Such fortifications cannot prevent insurrections within, for that it will be easy for conspirators to make themselves masters both of the arms and ammunition when they lye without guard in two or more several places, and besides it would be too much exposed to the danger of frequent and great lightenings to which the country is very subject. 3rd, The country cannot be secured from the attempts of an enemy, nor illegal traders prevented by such fortifications. The rivers being so broad that their guns will not command the channels, the only places fitt for such fortifications are only Point Comfort at the mouth of James River and Tindal Point on York River. But to build and maintain such fortifications will be of greater expence than the country is able to bear, nor will it countervail the cost to be done at H.M. charge. Besides, and which is worthy your Lordships' consideration, we are in the way of all fleets coming through the Gulph from the West Indies, and if any enemy should come upon our coasts, and send seven or eight hundred men in boats they may (considering the large open frontiers the country hath to defend both by sea and land, our land frontiers lying open to the incursions and invasions of the French and Canada Indians, and our Plantations lying scattered and dispersed farr remote from each other) destroy and spoyle all or most of the Plantations upon the rivers and upon both sides of the Bay, they being for the most part single Plantations and lying in large necks, and so inconvenient that should our land Forces be drawn down they cannot march along the river side, to hinder their landing in boats, being intercepted

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by creeks, boggs and marshes and having no boats to attack them by water must be forced to march four or five, sometimes twelve, miles before we can come to them, in which time they may ruin and destroy all the Plantations and cropps where they come, and if this be done betwixt the latter end of May and the latter end of September, considering the Militia must be raised from all parts of the country, the whole country being thereby put into a hurry, all our cropps will be ruined even in six weeks' time. Again, considering the Militia must be drawn down from all parts of the country to the place assaulted, an insurrection from our own servants and slaves is greatly to be feared, who we doubt will (in case of an invasion) joine with the enemy, and so his most sacred Majesty would sustain vast damage not only by the destruction of one year's cropp, but also by ruining our plantations, destroying the tobacco in its very seed, and consequently the trade and custom of it for divers years to come. From all which it is evident, that the only means to protect and defend this Government must be by a Naval force, which will both strengthen it against insurrection within and enemies and pirates without, and will also be more effectual to detect and prevent illegal traders. It is therefore humbly offered to your Lordships' consideration, that his most Sacred Majesty be addrest to send a squadron or at least five or six men of warr to cruise upon the coast the summer season in the time of warr, which will not only secure this Government but also all H.M. other provinces, territories and dominions in America, defeat the attempts of an enemy, detect and discover illegal traders, awe and terrifie pirates, which very much infest those coasts, and bid fair for some ports held by the French and Spaniards in the West Indies, notwithstanding the many Privateers they have (as we are credibly informed) in a readiness in those parts to lanch forth upon the first notice of a warr. *Signed*, Robt. Quary, Dionisius Wright. *Endorsed*, Recd. 16th. Read March 17, 170 $\frac{1}{2}$ . 3 $\frac{3}{4}$  pp. [C.O. 5, 1312. No. 29; and 5, 1360. pp. 107-112.]

March 17. **211.** Minutes of Council in Assembly of Barbados.

Capt. Richd. Gilbert paid 49*l.* 10*s.* for the hire of a sloop.

Petition of George Chowne for the hire of his sloop recommended to the Assembly.

20*l.* paid to Mary Lyte for her good service by the discovery of the late negro plot.

A Bill to secure peaceable possession of slaves, etc., was read the first time and rejected.

William Gallop returned William Grant as a member of Assembly for the parish of St. Joseph, in the room of John Holder, lately gone off the Island. He took the oaths, etc., appointed.

Petition of Capt. Richard Gilbert for the hire of the sloop *Amity*, impressed in 1691, was recommended to the Assembly.

The Hon. Richard Scott was granted leave to go off the Island for some short time.

Ordered that the Colonels who have not already returned all persons who were deficient upon the last alarm, do forthwith do so.

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Letter from Lt. Col. Wm. Fortescue read, giving the reasons for his not attending the Court of Common Pleas for Christchurch as one of the Assistants of that Court.

The President recommended to the Assembly the payment of Capt. Gilbert's account for seamen's wages, and the recompense of Mr. Jonathan Sisson.

The Assembly acquainted the Board that it was their opinion William Grant was not duly returned, for that the writ being directed to a Justice of the Peace not of the Council, was not agreeable to the Act. Upon which matter they invited the consideration of the Board.

The Assembly delivered to this Board a letter signed by the Hon. Patrick Mein, which seemed to relate to some matters of consequence in favour of the Scotch Nation, which being read together with a letter from Col. Cleland from England, upon which the abovesaid letter was grounded, this Board being well satisfied therewith hath ordered an answer thereto to be delivered to the General Assembly.

The Petition of Arthur Slingsby considered. The papers he put in for his claim to the Deputation of the Office of Register not being sufficient, and the Board being satisfied with the holder of the office, the claim was disallowed, until H.M. pleasure be known therein.

March 18. The Assembly attending moved that the Board would give their reasons for throwing out the Bill against the detinue of negroes, etc. The President informed them that it was contrary to a clause in the King's Instructions to re-enact any Bill more than once.

The Board returned Mr. Mein's letter with their opinion:— It plainly appears to us that the design in hand mentioned is no other than a joint endeavour and contribution of some Noblemen and Gentlemen of the Scotch Nation in a legal manner by the help and assistance of the Duke of Queenborough [sic] to obtain of the King and Parliament some relaxation of an Act of Parliament of the 7th and 8th of the King, whereby they are prohibited executing any office of trust in the Law or Treasury in the English Colonies, and we doubt not you will be of the same opinion and clear Mr. Mein of all aspersions, whom we have always found firm to the present Government in England, etc.

The Assembly proposed a Conference upon the election of William Grant. The Council consulted the Attorney and Solicitor General on the point.

March 19. An Act for the further supply of fire-arms and other stores was read three times and passed.

An Act to secure the peaceable possession of slaves, etc., was read the first time and ordered to lie upon the table.

115*l.* 12*s.* 6*d.* paid to Morgan Parris for 39 pieces of green heart for the fortifications of the precincts of St. Michael. [C.O. 31, 6. pp. 176-186.]

March 17. **212.** Journal of Assembly of Barbados. John Deire was granted leave to bring in a Bill for his naturalisation,

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Two objections were raised to the election of William Grant as Member for the parish of St. Joseph. (1) That the writ was directed to Capt. Gallopp, tho' the Act directs that it be directed to a Councillor, if any in the parish, and George Andrews, a Member of Council, is an inhabitant of the parish. (2) By the said Law the writ should have been issued in 20 days after the death or absence of the former Member.

Letter from Patrick Meine to Robert Stewart, March 9, 1701, read, and ordered to be laid before the President and Council. *After referring to private business*: I have had two letters from Col. Cl[eland] since I saw you: he advises our writing a joint letter of thanks to the Duke of Q[ueensberry] and to contribute towards the charge of carrying on the business, tho' that very cause has already cost me 20 guineas, I shall not be backward to do what is fitting, but both must be agreed to by others as well as you and I, and there are 14 Colonies in America besides this where our Countrymen are considerable enough to have a concern with us.

Ordered that the copies of the Act for the encouragement of Privateers be delivered to Edward Cordwent, mercht., who is desired forthwith to send them to Pennsylvania or New York to be printed, and 500 (when printed) to be dispersed to the Northern parts of America, and 100 remitted here. The charge to be paid out of the Publique Treasury.

Further consideration about sending for field-pieces ordered.

Ordered that the additional charges in Capt. Gilbert's account be allowed.

Ordered that Mr. Sisson be presented with 20*l.*

Mr. Thomas Hodges' correspondence referred to a Committee to prepare a reply.

Act for the further supply of fire-arms and other stores was read and passed.

Ordered that Wm. Holder examine the Agents' accounts.

*And see preceding abstract under date.*

March 18. *See preceding abstract under date.*

A new Bill to secure the possession of slaves, etc., was read and passed.

Letter to Patrick Mein, London, Nov. 7, 1701 [*? from Col. Cleland*], entered:—“We are now pushing this matter in relation to the Act of the 7th and 8th of the King. All our countrymen here have entered into it, and resolve to bring it first before the King and then before the Parliament of England, and have that Act explained, so that we who live in England and the Plantations may be at a certainty whether we have the liberty of English-born subjects or no, and we design to go through with it even to the Parliament of Scotland. I have been often with the D. of Queensberry, who has hitherto done us all the service imaginable, and in some measure put a stop to their career, and will go on with all his interest. I was t'other day with the Secretary, some Scotch noblemen and about thirty gentlemen of good estates, who live in England, and we unanimously resolved to concur, and since that several others join with us. I have

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given in a petition and a memorial to the King, and we are now drawing another memorial and a state of the case, so that this winter will bring this matter to an issue. There are a great many both great and good men who have become parties to us. What we design is for the good of the country we live in, as for our own. I hope all our friends in the West Indies will contribute according to their several degrees towards defraying the charge. There is an indispensable necessity for putting this matter to the push. Col. Hamilton, Governor of Jersey, is objected against because of the aforesaid Act, being a Scotchman, and notwithstanding that the Lords Justices and Council of Trade know that the Attorney and Solicitor General in Skeen's case have given their opinion, and the King a judgment in full Council, yet it hangs before them, and they say other great lawyers are of another opinion, and my Lord C. J. Holt in another case now before the Court of Appeals for a seizure made of one Cunningham's ship, he being a Scotchman, declared that the Act was against them, and so did the now Attorney General Northey, and put off the trial to a day, the thing as they said being of the last consequence to England and Scotland. Before the trial was to come on, I went to my Lord D. of Queensberry with some reasons upon the Act, and that he might apply to the Lords Justices and the Lord C. J. to inform himself what they intended in the matter, and to get the trial delayed rather than a rash judgment should be given upon the Act, which has been done. So that now we are in little fear, the K. being come home and such a confederacy made, but that the matter will end to all our satisfactions. This account I have also given to Mr. Stewart, and we expect you will all write a joint letter of thanks to the D. of Q. and send home your pence to carry on the cause." [See preceding, under March 18.] [C.O. 31, 6. pp. 455-461.]

March 17. **213.** Minutes of Council of New York. The Governor having received a petition from Col. Bayard, his honour did declare, with the concurrence of the Council, that he by his petition does not only demand a reprieve as a matter of right, but arraigns the proceedings of this Board, and of the Court which tried him.

March 18. Upon further consideration of the petition of Col. Caleb Heathcote for a confirmation of lands in Westchester County, and that the same might be erected into a Manor, it was alledged that Capt. James Mott hath reasons to offer against it. Ordered that Mott appear on Friday next, and give in his reasons, and that on default of his appearance the patent issue.

The Memorial of the Officers in Fort William Henry read. Ordered that Capt. Walters prepare four pair of sheets, eight pillow bears and six towels for them, and bring in his account of the charge thereof.

Petition of Isaac Dericem, John Evans, and John Plevier read, praying a licence to purchase vacant lands in the County of Suffolk called Half Hill, about three miles long and two miles broad, close by the town of Huntingdon, from the native Indian

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Proprietors, and granted, provided the same be made before a J.P. of the County, and returned into Council within 12 months.

March 19. On information from the Corporation of Kingston in Ulster County that several persons have taken upon themselves the execution of the offices of Trustees and officers of the said Corporation, without being sworn as the Law requires, the Council do think fit to caution the said persons in the premisses, for that they either do or may incur a *præmunire* by so doing.

Jacob Balck, an alien, appeared and prayed that he might be admitted to take the oaths appointed by Act of Parliament to be taken instead of the oaths of Allegiance and Supremacy and to subscribe the Test and Association, which was done. [C.O. 5, 1184. pp. 632-634.]

March 18. **214.** Order of Queen in Council. Approving the Representation of March 5, and ordering that passage be provided for Governor Crowe on board one of H.M. ships of war, and 150 tons of shipping to carry his household goods. The Lord High Admiral to give the necessary directions. *Signed*, John Povey. *Endorsed*, Recd. March 30. Read April 24, 1702.  $\frac{3}{4}$  p. [C.O. 28, 6. No. 45; and 29, 7. p. 518.]

March 18. **215.** Order of Queen in Council. Approving the Representation of March 5 upon Gov. Crowe's Instructions, and ordering the Earl of Manchester to cause the same to be prepared for Her Majesty's signature. *Signed*, John Povey. *Endorsed*, Recd. March 30. Read April 24, 1702. 1 p. [C.O. 28, 6. No. 44; and 29, 7. p. 519.]

March 18. **216.** Order of Queen in Council. Referring enclosed memorial to the Council of Trade and Plantations for their consideration and report. *Signed*, John Povey. *Endorsed*, Recd. 20. Read March 24, 1702[ $\frac{1}{2}$ ].  $\frac{3}{4}$  p. *Enclosed*,

216. i. Joseph Dudley to the King. The Provinces of the Massachusetts Bay and New Hampshire lie exposed to the danger of an enemy upon a long coast of 300 miles, and on the back in open and undefensible villages near the same in length without any supply of forces from your Majesty, and much nearer to the French and Indian enemy than the Province of New York where Your Majesty has 400 men in garrison. It is therefore humbly proposed that one of those companies be removed from New York and disposed within the said two Provinces for their better security and defence. *No signature or date*. *Copy*. 1 p. [C.O. 5, 862. Nos. 103, 103.i.; and 5, 910. pp. 191, 192.]

March 18. **217.** Order of Queen in Council. Approving the Representation of March 5, as to Col. Dudley's Instructions, etc., and directing the Earl of Manchester, Principal Secretary of State, to cause them to be prepared for Her Majesty's signature. *Signed*, John Povey. *Endorsed*, Recd. 11th, Read Sept. 15, 1702. 1 p. [C.O. 5, 862. No. 102; and 5, 910. p. 253.]

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March 18. **218.** Minutes of Council of the Massachusetts Bay. Ordered that for the present security of the public store of powder it be dispersed and lodged in several places; vizt. in Capt. Benjamin Davis, his out brickhouse, in Mr. Arthur Mason's granary in Boston, and in Col. Phillips' storehouse in Charlestown, other than what is necessary to be kept at the fortifications.

Committee appointed to purchase 100 barrels of powder.

Letter ordered to be written to the Government of Connecticut to acquaint them that Instruments are provided for the taking observation in order to find out and running of the line betwixt this Government and that, and that 'tis proposed to proceed in that work, in May, and to desire them to appoint one or more artists on their part to repair hither by the latter end of April to prove the instruments and join in the work.

Upon the Petition of Samuel Shrimpton and Epaphras Shrimpton of Boston, Merchants, Capt. Samuel Legg, and Capt. William Clarke, Merchts., and Capt. Foye, Mariner, were appointed to appraise what was saved from the *Weymouth* wreckt to pieces upon the sands of the Island of Nantucket.

657*l.* 6*s.* paid to Mr. James Taylor for disbursement for stores for the Forts and *Province* galley, Nov. 5, 1701–Feb. 21, 1702.

Warrants signed for payment of the Judges' salaries and several sums ordered by the Assembly in February. [C.O. 5, 788. pp. 124–127.]

March 18. **219.** Circular letter from the Council of Trade and Plantations to H.M. Governors in America. Enclosing an order from the Lords of the Privy Council [see March 11] notifying the death "of our late gracious Sovereign of ever blessed Memory, and directing you to proclaim the High and Mighty Princess Anne Queen of England, Scotland, France and Ireland, and of all the Dominions thereunto belonging, etc." We do earnestly recommend to you that you proceed without loss of time in the execution of those orders, and that H.M. be accordingly proclaimed in the most solemn manner, and most proper parts of your Government. You are upon this occasion to assure all her Majesty's subjects under your government of H.M. especial care and protection, and to exhort them to do on their parts what is necessary for their security and defence in the present conjuncture. And you are to return a speedy account of your proceedings herein. You will receive a warrant empowering you to continue the use of the Public Seal. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Enclosed*,

219. i. Printed Copy of H.M. Declaration at her first sitting in her Privy Council, March 8, 1701. 1 *p.*

219. ii. Printed Copy of H.M. Proclamation for continuing all officers, etc. St. James', March 9, 1701. 1 *p.*

219. iii. Printed Copy of the Address of the House of Lords to H.M., March 8, 1701, with H.M. Reply. 2 *pp.*

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219. iv. *Mentioned as enclosed but not given here* : Address of the House of Commons and H.M. Speech to both Houses of Parliament. [C.O. 324, 8. pp. 80, 81.]

March 19. 220. Circular letter from the Council of Trade and Plantations to the several Proprieties in America to proclaim the Queen. Upon the sad occasion of the death of his late Majesty King William of blessed memory, and the happy accession of the high and mighty Princess Anne to the throne of her royall ancestors, we send you inclosed the Order of her Majesty's most Honourable Privy Councill, that you may take care that her Majesty Queen Anne be accordingly proclaimed Queen of England, Scotland, France and Ireland, and of all the Dominions thereunto belonging, in the most solemn manner and most proper parts of her Majesty's Province of \_\_\_\_\_, and you are upon this occasion to assure all her Majesty's subjects in the said \_\_\_\_\_, of her Majesty's especial care and protection, and to exhort them to doe on their parts what is necessary for their security and defence in the present conjuncture ; and you are to returne a speedy account of your proceedings herein. *Signed*, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior, Stamford, Lexington, Ph. Meadows. [C.O. 5, 1289. p. 388; and 5, 289. pp. 86, 88.]

March 19. 221. Journal of House of Delegates of Maryland. The Act for religious worship, sent out of England, was referred to the Committee of Laws to compare with the Act for Religion of this Province.

Proposed by a Member the great ill-conveniency for encouraging of vice by too frequent horse-racing on Saturdays, whether it be not necessary to make a Law for suppressing the same on Saturdays. Recommended to the Committee of Laws to prepare a Bill with some mulkt, etc.

Message sent up to H.E. and Council that, as regards the 14d. per tun, this House have made strict search and enquiry into the original Law and some Journals of Assembly for discovery of the same, and what discovery is made this House recommends to your Excellency for perusal.

Bill for conveying Jurors to Provincial Courts from the Eastern Shore, read first and second time and committed for amendment ; Bills for relief of Kent and Calvert Counties and for Needles about Mann's testament (*i.e. to confirm Edward Mann's will*), read the first and second time.

Bill prohibiting horse-racing on Saturdays read the first time and committed for amendment.

Petition of Richard Bishop jr. of Talbot County read. Petitioner referred to the Common Law for relief.

Bill for the naturalization of Hermanus Schee and others, sent down, was read the first and second times.

Ordinance relating to sailors, sent down, was concurred with :— Whereas in the late Act for regulating ordinaries there was a good, beneficial clause enacting that no Ordinary Keeper should credit any sailor belonging to any merchant's ship for more

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than 20s. during their stay here for the time of one voyage, which clause is omitted in the present Law, but for that daily experience shows the absolute necessity of such a clause to restrain the ordinaries from harbouring such sailors to the great prejudice of the owners and masters of vessels, it is ordained by H.M. honourable Council and the Delegates of this General Assembly that no Ordinary Keeper do harbour or entertain such sailors to the neglect of their service under the pain and penalty of being suspended from keeping such ordinary, and that no ordinary keeper shall credit any such sailor for more than 5s. during any one voyage under the penalty of losing his debt and being fined to our Lord the King 5l. sterl., whereof  $\frac{1}{2}$  to the informer, the other  $\frac{1}{2}$  to the Vestry of the Parish where such ordinary's kept.

Petition of the inhabitants of Prince George's County read and referred till to-morrow.

Bill for relief of Kent and Calvert Counties read the second (*sic*) time and sent up.

Bill confirming the writing to be Mann's testament read twice and sent up.

Bill for Religious Worship brought in.

March 20. Bill to direct the payment of rents for orphans' lands ordered to be prepared.

Bills for relief of Kent, etc., and confirming Mann's testament sent down read.

Petition of Thomas Reynolds and others on behalf of themselves and the rest of the Sheriffs, etc., praying longer time to continue in office, rejected.

The proposed Bill for Religious Worship, etc., read. Voted whether the same pass as it came from England or that it be amended, carried in the affirmative (*sic*). Ordered the blanks be filled up, and that it be thus endorsed. Resolved that it pass without any amendment.

Representation of Sir Thomas Laurence, H.M. Secretary, relating to Ordinary Keepers and for preventing contests, read. Resolved that for determining contests that may arise, he be referred to the Laws in such cases already provided.

Petition of Prince George's County, for a bridge to be built over the Western branch of Pattuxent River at the public charge, granted.

Bills for relief of Kent and Calvert Counties, and for confirming Mann's testament sent to be engrossed.

Bill against horse-racing on Saturdays read the first and second times and sent up, together with the Bill for Religious Worship, etc.

Bill prohibiting the abuses committed by wood-rangers read the first time.

Bill for Religious Worship, sent down passed, was ordered to be engrossed.

The paragraph in H.E.'s Speech relating to a contribution to New York was read and referred till to-morrow.

Message from H.E. :—“ I have solicited H.M. for leave to go home for the recovery of my health, which he has been graciously pleased to grant, and in order to it I have some thought of going

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this summer. Therefore, if I can be of any signal service there, I will do it with the same alacrity and honesty I have demonstrated to you here, and as I came into the Province unprejudiced, so I solemnly declare I shall leave it without the least ill impression as (*sic*) any person whatsoever."

March 21. The House of Delegates replied:—"We return your Excellency our humble thanks for so freely communicating to us your design for going to England, but are most heartily sorry you find any uneasiness amongst us which should give you cause to desire to be removed from a people to whom by your constant endeavour, candour and integrity prudence and discreet management of affairs, you have given a complete and entire satisfaction, which in behalf of this Province in general and of every individual person in our House in particular, we gratefully acknowledge. And pray God to bless you and your good Lady, who also has been an eminent example of religion and virtue, and particularly we pray God to bless your hopeful children, born amongst us, to be an honour to their native country, for which children's sake we hope your Excellency will when in England bear a true respect to this Province. If any business arises from this Sessions towards England, we shall desire your Excellency's favour, and that you will command our duty and loyalty to our gracious Sovereign, whom God preserve."

Bill for conveying Jurors rejected.

Petition of John Hawkins of Charles County read. Ordered that he be allowed 800lb. of tobacco.

Major William Barton's petition read. Resolved that the imprisonment fees for a servant boy be paid by the County, and that he produce his account to this House proved of the Indians' fees, which being delivered into this House was regulated and allowed 5,000lb. tobacco in full for the same.

Proposed that Mr. Bladen be desired to attend this House on Monday morning and bring with him the erratas of the Laws that the same may be debated, pursuant to a reference last Sessions.

Messsage from H.E. :—"I take your kind sentiments of me with a great satisfaction," etc.

Bill prohibiting wood-rangers, etc., sent up, and returned passed.

Mr. Thomas Beale having been made an allowance and the Treasurer, Robert Mason, having died before the money was paid, a Committee was ordered to inspect his accounts.

H.E. Speech and H.M. Letter for a supply of money for building a fort in the Government of New York debated. Resolved, that 300l. sterl. be remitted for that purpose, and ordered that it be signified to H.E. by message.

Major Walter Smith, indisposed, given leave to go home.  
[C.O. 5, 744. pp. 254-266.]

March 19. 222. Minutes of Council in Assembly of Maryland. H.E. acquainted the Board that there were two runaways, belonging to Mr. Tellet and Mr. Syncock of Virginia, committed to the custody of John Carvill, Sherrif of Coecill County, whereof one

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escaped from Carvill by reason of his negligence and the other he had compelled to work whilst in his custody, Mr. Carvill, being called in, alleged that he had no good service from the servant, he having had an ague for a long time. Whereupon this Board being desirous to approve themselves good neighbours to the Colony of Virginia in shewing their readiness to do them justice upon any application, do not think it reasonable that the Sherrif should have 20lb. tobacco per diem for the confinement of Mr. Tellel's servant, in respect he employed him great part of the time in his own service, but that 1,000lb. tobacco is sufficient to satisfy him for securing that servant. As for Mr. Syncock's, he being escaped, this Board at present do not think fit to intermeddle therewith.

Bills for the relief of Kent and Calvert Counties and confirming the will of Edward Man, sent up, were read the first time.

The *Betty Galley*, Capt. Edward Brisco, laden with tobacco and bound for England, being but very weakly manned and thereby disabled from prosecuting her voyage, the Council advised that H.E. do order Capt. Bostock to supply him with two able sailors from on board H.M. advice-boat *Eagle*, and that he press two other men in their stead, where they may be best spared.

March 20. It being represented on behalf of the Vestry of St. James' Parish in Ann Arundell County that whereas Mr. Henry Hall, the present incumbent, upon his being appointed to the said Parish had by the Vestry paid unto him a considerable sum of tobacco of the 40lb. per poll, which had been raised before his appointment, he promising to refund the same in case the Governor and Council should adjudge it not to belong to him, and the Board being of opinion that all tobacco raised by the 40lb. per poll whilst no incumbent in the Parish is not the right of any Minister, but ought to be applied by the Vestry for the use of the Parish, ordered accordingly. Petition of several Sherrifs with their reasons offered for their longer continuance in office than three years, now by Law limited, read and approved of, and ordered to be recommended to the House.

Letter of the Council of Trade, Aug. 14, 1701, with the Lord Justices' Order for a separate jack for privateers, read. No such Commission having been granted in this Province, when any are, care shall be taken accordingly.

Letter of the Council of Trade, Aug. 20, 1701. The Board represented the following persons to supply vacancies in the Council; Lt.-Col. Thomas Smithson, Kenelm Cheseldyne, Lt.-Col. Thomas Smith, Col. Thomas Ennals, William Coursey, Jno. Hall, Seth Biggs, Capt. Philip Hoskins, Major Walter Smith, William Hutchison, Samuel Young, and William Harris, who have been long livers in the country, are men of good estates, experienced and well affected to H.M. and this Government. As to the clause relating to the Governor and Members of Council who sit in the Court of Chancery, H.E. and the Members of Council present had administered unto them the usual oaths taken by the Judges of that Court.

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Bill for Religious Worship, sent up, was read a second time. Bill prohibiting horse-races on Saturday was read and agreed to pass, and sent down.

H.E. communicated H.M.'s leave for him to return to England for recovery of his health. All the Council expressed their concern for H.E.'s departure, under whose Government H.M. subjects here have been so easy that they can never hope for a better treatment from any other.

*And see preceding abstract.*

March 21. The Council presented an Address of Thanks and good Wishes to H.E., who replied.

It having been resolved to propose to the Delegates to amend the Act of Assembly for regulating the Militia, and this Board finding by the message of the House that they conceive themselves to be in a very good state of defence, and averse from altering the Law, refer the said proposal to the next Assembly.

Bill prohibiting the abuses committed by wood-rangers read at the Board and amended.

*And see preceding abstract. [C.O. 5, 744. pp. 109-129.]*

March 20. **223.** William Popple to Doctor Newton, Advocate to the Whitehall. Lord High Admiral. The Council of Trade and Plantations having had information that How and Churchill, two persons convicted here with Kidd, were arrived in Pennsylvania and had there taken up severall sums of money which was formerly buried in the woods, and are now much caressed by the people of that Province; their Lordships command me to desire you to inform them, whether the said How and Churchill were pardoned here, or by what other means they came to have their liberty. [C.O. 5, 1289. p. 389.]

March 20. **224.** Council of Trade and Plantations to Goverour Viscount Whitehall. Cornbury. Whereas your Lordship is commissionated to take upon you the command of the Militia of East and West New Jersey and to be Vice-Admiral of the same, and those Colonies having been and continuing to be without any settled Government, your Lordship is to cause the High and Mighty Princess Anne to be proclaimed Queen of England, Scotland, France and Ireland, and of all the Dominions thereunto belonging, etc., in the most solemn manner, and most proper places of these Colonies, to the end there may be no failure there in the speedy acknowledging her Majesty's title and authority. And for your information we further send you H.M. Declaration at her first sitting in her Priyy Council. H.M. Proclamation for continuing all officers, etc., the Address of the House of Lords to her Majesty, the Address of the House of Commons to her Majesty, and her Majesty's Speech to both Houses of Parliament. You are upon this occasion to assure all her Majesty's subjects in those Colonies of Her Majesty's especial care and Protection, and to exhort them to do on their parts what is necessary for their security and defence in the present conjuncture. And you are to return a speedy account of your proceedings herein. *Signed, Stamford,*

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Lexington, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *Mem.* A letter from the Lords of the Privy Council to the Lord Cornbury of the same purport with this was herein enclosed. [C.O. 5, 1119. pp. 79, 80.]

March 20. **225.** Council of Trade and Plantations to Gov. Dudley. Whitehall. Upon the Petition of Mr. John Usher that we should recommend to you the examination of the state of his accounts with the Government of the Massachusetts Bay, pursuant to the Orders of Council that have been formerly made upon that subject; we send you here enclosed a copy of his said Petition, as also of the Order of Council thereon mentioned, dated the 12th of October, 1691 [see *Cal. A. & W.I.*, 1691, No. 1826], and of a Letter from the Lords of the Council to the Governour of that Colony dated 26 March 1694 [see *Cal. A. & W.I.*, 1694, No. 985], from all which you will understand what has been required and accordingly be enabled to give us an account of your proceedings herein. *Signed*, Stamford, Lexington, Wm. Blathwayt, John Pollexfen, Math. Prior. [C.O. 5, 910. pp. 188, 189.]

March 20. **226.** Journal of Council of Trade and Plantations. Letter Whitehall. ordered to be writ to Mr. Dockwra to bring to the Board the Surrender of the Proprietors of East New Jersey, and to Mr. Morris to bring that of the Proprietors of West New Jersey, in order to such further steps as may then seem expedient.

Ordered that a Representation be prepared to lay before H.M. such Acts of Barbadoes as have not yet been reported upon.

Letter to Col. Dudley, upon Mr. Usher's petition relating to his accompts as Treasurer of the Massachusetts Bay, signed.

Letter to the Lord Cornbury signed. [C.O. 391, 14. pp. 362, 363; and 391, 96. No. 49.]

March 21. **227.** Henry Newton to [? William Popple]. In answer to the demand of the Lords Commissioners for Trade and Plantations, Doctors' Commons. March 20, I have perused the register of the Admiralty, and doe find that How and Churchill were convicted of piracy in May, 1701, and that the late King did by his warrant, June 28 after, order them to be put in the next General Pardon, and that they should give bayle to plead the pardon on the 9th of July, at the next General Sessions of the Admiralty. Their names were inserted in the general Newgate pardon, Aug. 28, but it does not appear by the Register that the pardon was ever pleaded by them. *Signed*, Hen. Newton. *Endorsed*, Reed. 23rd. Read March 24, 1701.  $\frac{3}{4}$  p. [C.O. 5, 1261. No. 55; and 5, 1289. pp. 390, 391.]

March 21. **228.** William Popple, jr., to the President and Council of Whitehall. Barbados. Enclosing packets to be forwarded to the Governors of the Leeward Islands and Jamaica, and to give notice to the Council of Trade and Plantations in what manner you do send them. [C.O. 29, 7. p. 488.]

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March 21. **229.** Lords Proprietors of the Bahama Islands to the Council of Trade and Plantations. We have dispatched the letter from the Lords of the Council for proclaiming the Queen with all necessary directions. *Signed*, J. Granville, Palatine; Berkeley, Craven, J. Granville *for* Lord Carteret, M. Ashley, Jo. Colleton. *Endorsed*, Recd. 23rd. Read March 24, 170 $\frac{1}{2}$ . 1 p. [C.O. 5, 1261. No. 56; and 5, 1289. p. 392; and 5, 289. p. 90.]

March 21. **230.** Lords Proprietors of Carolina to the Council of Trade and Plantations. We have forwarded the letter of the Lords of Council for proclaiming the Queen, with all necessary directions. *Signed*, J. Granville, Palatine; Craven, J. Granville *for* Lord Carteret, M. Ashley, Jo. Colleton. *Endorsed*, Recd. 23rd. Read March 24, 170 $\frac{1}{2}$ . 1 p. [C.O. 5, 1261. No. 57; and 5, 1289. p. 393; and 5, 289. p. 88.]

March 21. **231.** Lords Proprietors of Carolina to [? the Governor of Carolina]. *Enclosing* Order of the Lords of H.M. Council [see March 11], and giving directions accordingly. *Signed*, J. Granville, Palatine; J. Granville *for* Lord Carteret, M. Ashley. [C.O. 5, 289. p. 87.]

March 21. **232.** Lords Proprietors of the Bahama Islands to [? the Governor of the Bahamas] enclosing Order of the Lords of Council [see March 11], and giving directions accordingly. *Signed*, J. Granville, Palatine; Berkeley, J. Granville *for* Lord Carteret, M. Ashley. [C.O. 5, 289. p. 87.]

March 21. **233.** William Popple to Mr. Dockwra and Mr. Morris. Whitehall. The Council of Trade and Plantations understanding that the Proprietors of East and West New Jersey have signed the surrender prepared by Mr. Attorney Generall, and that it is in your hands, they have commanded me to desire you to bring it to them in order to such further steps as may then seem expedient. [C.O. 5, 1289. p. 390.]

March 21. **234.** William Popple, junr., to Josias Burchet. Enclosing packetts, containing circular letters, etc., of March 11 and 20, to be forwarded by the men of war now going to Virginia and Barbados. [C.O. 324, 8. pp. 84, 85.]

March 21. **235.** Wm. Popple, junr., to the President and Council of the Massachusetts Bay. Enclosing packets to be forwarded to Bermuda, New Hampshire and Rhode Island. [C.O. 5, 910. p. 190.]

March 21. **236.** William Popple, junr., to Governor Nicholson. Enclosing packetts to be forwarded to the Governours of Maryland, New York and New England. [C.O. 5, 1360. pp. 112, 113.]

March 21. **237.** Governor Nicholson to the Council of Trade and Plantations. I writ to your Lordships April 25 (? 23), but it being by a single ship and in the winter, I enclose a duplicate. Williamsburgh.

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I was in hopes to have had all the gentlemen of H.M. honourable Council here on the 11th inst. Col. Byrd and Col. Harrison made their excuses. I hear that Col. Carter's Lady was brought to bed about the same time. I suppose bad weather hindered Col. Scarborough and Col. Custis from coming over the Bay. I cannot now expect a full meeting of the Council till our General Court. I was also in hopes to have had Addresses both from the Militia Officers and Justices of the several Counties, but it hath been of late bad weather, both with winds and rain. I desire that your Lordships will please to give directions about the Addresses. By the next opportunity I hope I shall have the honor to send your Lordships those from the rest of the Countys, as likewise one from the revd. the Clergy, which I have ordered to meet here April 27, for they being to come from all parts of the Government, could not well before, considering the season of the year. I enclose proceedings of Council, March 11 and 12. H.M. honorable Council and myself found it absolutely necessary to appoint a Clark of the Council; but I acquainted the Council and the Clark that he must not depend upon it till I have received your Lordships' commands therein. I have received a letter from Governor Blakiston, who writes me that he intends to be here the latter end of this moneth, wch. makes me forbear going thither, as I designed, for fear of missing him. And I design, God willing, to see next week the Militia of the Isle of Wight, Nanzemond, Norfolk, Princess Ann and Elizabeth City County. And I am in hopes to hear by Governor Blakiston of my Lord Cornbury's arrival at N. Yorke, or some later news than I have received from those parts.

Not having received any commands from your Lordships, and we finding no absolute necessity for the Assembly's meeting at this unseasonable time of the year, we prorogued it to April 23, the latter end of our General Court. I enclose an account of the French Refugees. On the 5th and 6th inst. I was up at their settlement, and gave the necessary directions concerning them, and left the Surveyors laying out their whole Tract of land, as likewise each man's particular lot, which I hope will be finished to be laid before us at the next General Court. I begin now to be in hopes of having the honor and good fortune of receiving your Lordships' commands concerning what I writ and sent to your Lordships by Col. Quary and Mr. Wright. I thank God we are all in peace and quietness, and hope we shall so continue. *Signed, Fr. Nicholson. Endorsed, Reed. May 29. Read July 22, 1702. 1 $\frac{1}{2}$  large pp. Enclosed,*

237. i. Loyal Address of the Governor and Council of Virginia to the King. We do exceedingly resent the attempt made upon our Religion, Laws and Liberties by the late unaccountable action of the French King in owning and declaring the pretended Prince of Wales to be King of England, etc. Royal College of William and Mary, March 12, 170 $\frac{1}{2}$ . *Signed, Fr. Nicholson, E. Jenings, J. Lightfoot, James Blair, Matthew Page. 1 p. Endorsed as preceding.*

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237. ii. Similar Loyal Address of the Justices of the Peace and Officers of the Court for James City County, Virginia. James City, March 27, 1702. *Signed*, Tho. Mountfortt, Sheriff, C. C. Thacher, Clerk, Otho. Cobbs, Sub-Sheriff, Joseph Mountfortt, Sub-Sheriff, Wm. Aylett, Dep. Clerk, Philip Lightfoot, Hen. Duke, J. Harrison, Henry Soane, J. Geddes, Phill. Ludwell, Michael Sherman, James Bray, Tho. Cowles, Hugh Norvell, Wm. Edwards, John Frayser. 1 p.

237. iii. Similar Loyal Address of the Militia Officers of James City County. James City, March 27, 1702. *Signed*, David Bray, Alex. Walker, jr., Wm. Hartwell, Joseph Mountfortt, Rich. Wood, Hugh Norvell, William Browne, jr., Benj. Goodrich, Wm. Broadribb, Fran. Dancij, James Harrison, Ben. Eggleston, Lanslett Woodward, Jos. Egglistone, Phil. Ludwell, Hen. Duke, Michael Sherman, Tho. Cowles, Henry Duke, jr., Tho. Mountfortt, Jo. Geddes, John Frayser, Henry Soane, jr., Edward Ross, Edward Jaquelin. 1 p.

237. iv. Similar Address of the Justices and Officers, Military and Civil, of Lancaster County, Va., March 5, 170 $\frac{1}{2}$ . *Signed*, *Military Officers*: Robt. Carter, Col., Joseph Ball, Lt.-Col., W. Lister, Major, Henry Fleet and William Ball, Capts. of Horse, Tho. Pinckard, Capt. of Dragoons, William Hoare, Capt. of Foot, Samuel Fox, Capt. of Foot, Richard Ball, Capt. of Dragoons, James Ball and Jno. Pinckard, Lieuts. of Horse, John Heale, Henry Lawson, Lieuts. of Dragoons, John Hutchins, Tho. Barker, jr., Lieuts. of Foot, Edwin Conway, Jos. Heale, Cornets of Horse, Joseph Ball, Fawley Chinn, Ensign of Foot, Geo. Harward, Cornett of Dragoons, John Brown, Ensign of Foot. *Justices of Peace*: David Fox, Joseph Ball, Henry Fleet, W. Lister, William Ball, William Fox, Jn. Pinckard, Tho. Marrin, Richard Ball, Tho. Pinckard, John Turberville. *Civil Officers*: Tho. Pinckard, John Turberville. *Civil Officers*: J. Swann, Sheriff, Richd. Chichester, Col., Joseph Tayloe, Clerk, Fortunatus Sydner, Sub-Sheriff. 1 p.

237. v. Similar Address of the Magistrates and Officers, Civil and Military, of Northumberland County. March 19, 170 $\frac{1}{2}$ . *Lieuts., Cornets and Ensigns*: John Cocherill, Rich. Lattimore, Jno. Steplo, Jno. Hughlet, Joseph Holt, Richd. Spann, Tho. Webb, Jno. Hobson, Wm. Winder, John Laurence, Vincent Garner, Thomas Downing, Tho. Hughlet, John Haynie, John Graham, Tho. Shapleigh, Edmund Bascey, John Webb, Henry Dowson, Richd. Hervey, Mauris Jones, Robert Carter, Geo. Cooper, Lt. Col., Rodham Kenner, Major, Peter Hack, Thomas Winder, Leonard Howson, John Howson, Edward Sanders, Rich. Haynie and Christopher Neale, *Capt.*, Jno. Crabbe, Peter Prisley, Phillip Shapleigh. *Justices*: George Cooper, Rodham Kenner, Peter Hack,

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Thomas Winder, Leonard Howson, John Howson, Jno. Harris, Christopher Neale, Jno. Crabbe, Peter Coutanceau, James Waddy, Tho. Hobson, Clerk, John Farniefold, Minister. 1 p.

237. vi. Similar Address of the Magistrates, Officers and Inhabitants of King and Queen County. "We do unanimously resolve to the utmost of our capacities and abilities to venter our lives and fortunes in defence of Your Majesty's just right to this your great Colony and Dominion." *Signed*, Wm. Leigh, Col., Richard Gregory, Capt., Henry Fox, Tho. Paullin, Major, John Walker, Capt., Wm. Bird, James Taylor, Capt., Henry Madison, *Justices*. William Jones, Capt., W. Claiborne, Capt., John Leigh, Capt., Geo. Braxton, Capt., Tho. West, Capt., Tho. Pettit, Capt., Tho. Spencer, Capt., John Wyatt, Lieut., Robt. Bird, Lieut., Rich. Wyatt, Lieut., Tho. Perry, Lt., Richard Roy, Lieut., Law. Orrill, Lieut., Wm. Orrill, Lieut., Sam. Cradock, Lieut., Robt. Farish, Lieut., James Wood, Lieut., James Ferrgrson, Lieut., John Fox, Lieut., Robert Napier, Lieut., William Collins, Cornet, Daniel Miels, Cornet, Tho. Duson, Cornet, T. Walker, Cornet, Frances Griggs, Cornet, John Collier, Ensign, John Giles, Ensign, Saml. Norment, William Lacon, Cornet, Abraham Willson, Cornet, John Sholl (?), Ensign, John Richards, Cornet, Francis Hill, Cornet, John Downer, Ensign, John Waller, Sherriff, Tho. Withy, Dep. Sheriff, John Pigg, Tho. Claiborne, Richd. Johns, John Dunkley, Samll. Clayton, Wm. Roy, Samuel Hinton, Robert Johns, Arthur Johns. 1 *large p.*

237. vii. Similar Address of the Magistrates and Militia Officers of Surrey County. *Signed*, Tho. Lane, William Foster, Wm. Lucas, Phillip Shelley, Will. Rose, Wm. Cocke, Thomas Drew, Wm. Gray, Wm. Gray, Tho. Flood, Robt. Lancaster, Benja. Harrison, Wm. Browne, Tho. Holt, Nath. Harrison. 1 p.

237. viii. Similar Address of the Magistrates and Militia Officers of Elizabeth City County. Wm. Wilson, Lt.-Col., Anthony Armistead, Major, Wm. Armistead, Capt. Horse, George Waffe, Capt. Dragoons, Augustine More, Capt. Foot, Henry Royal, Lt. of Horse, Robt. Taylor, Lt. Dragoons, John Tabb, Lt. Foot, Cha. Jenings, Cornet, Horse, Richard Street, Ensign, Dragoons, John Cooper, Ensign, Foot, Coleman Brough, Sheriff, Wm. Wilson, Anthony Armistead, Pasco Curle, William Lowry, Augustine More, Walter Bayley, Nich. Curle. 1 p.

237. ix. Similar Address of the Magistrates and Militia Officers of Nansemond County. *Signed*, Geo. Norsworthy, Tho. Swann, Luke Haveild, Fra. Milner, Tho. Milner, Charles Drury, Jno. Speire, William Hunter, Wm. Wright, Hen. Jenkins, James Lockhart, Daniel Sullivan, John Pitt, Jos. Wright, Edward Streeter, Thomas Drury, James Speire, Wm. King, Jonas Holladay, Nicholas Hunton,

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James Jossy, Michael King, William Speir, John Iles, Isaac Shephard, Jos. Meredith, Henry Hill, William Staples, Nicholas Stallings, Will. Drury, John Drury, Hen. King. 1 p.

237. x. Similar Address of Governor and Council of Virginia. *Duplicate of i.* 1 p.

237. xi. Similar Address of the Magistrates of Isle of Wight County. March 10, 170 $\frac{1}{2}$ . *Signed*, Hen. Applewhaite, Saml. Bridger, Tho. Giles, Antho. Holladay, Arthur Smith, Hum. Marshall, Tho. Pittitt, Wm. Bridger, Hen. Applewhaite, jr., Cha. Chapman, Clerk of the County Court. 1 p.

237. xii. Similar Address of the Militia Officers of Isle of Wight County. *Signed*, Hum. Marshall, Ar. Smith, Wm. Bridger, John Davis, Jos. Bridger, James Webb, Jos. Godwin, Hen. Applewaite, jr., Richd. Exum, Robt. Kea (*Capt.*). Richard Wilkisson, jr., Thomas Harris, Peter Debury, Henry Pitt, Jno. Mackmiall, George Green, Wm. Applewhite, John Brian, Arther Jones, *Lieuts.* Tho. Clarke, Jno. Penny, Jno. Sojourner, Jeremiah Prockter, Nicholas Smith, William Williames, Wm. Kinching, George Williams, John Lawrence, Tho. Kardy, *Cornets.* 1 p.

237. xiii. Similar Address of the Magistrates of Middlesex County. *Signed*, [Sir] William Skipwith, Mat. Kemp, Gawin Corbin, Francis Weekes, Henry Thacker, John Smith, Harry Beverley, John Grymes, Tobias Mickleborough. 1 p.

237. xiv. Similar Address of Militia Officers of Warwick County. *Signed*, Emanuel Wills, William Whitaker, jr., John Bowcher, Miles Cary, Miles Cary, jr., William Cary, Miles Wills, Tho. Charles, William Harwood, Cuthbert Hubberd, Richard Whitaker, Elias Wills. 1 p.

237. xv. Similar Address of the Magistrates of Warwick County. *Signed*, Miles Wills, Sheriff, Miles Cary, William Cary, Tho. Merry, Tho. Charles, Matthew Jones, Thomas Haynes. 1 p.

237. xvi. Similar Address of the Magistrates and Freeholders of New Kent County. March 7, 170 $\frac{1}{2}$ . *Signed*, J. Lightfoot, Col. of Foot, George Keeling, Capt., John Lightfoot, jr., Capt., Richd. Baker, Lt. (his mark), James Reves (?), Lt., Ed. Walton, Ensign, Wm. Bassett, Capt. and Lt.-Col. of the Virginia Troop, Nicholas Meriwether, Lt. Major, Henry Chiles, Lt., David Anderson, Lt., William Harman, Lt., John Breeding, Lt., William Lacey, Cornet (his mark), Richard Allen, Cornet (his mark), John Parke, jr., Cornet, Nicholas Meriwether, Sheriff, Jo. Foster, Wm. Bassett, John Lyddall, James Mosse, John Stanup, Tho. Smith, George Keeling, Henry Chiles, *Justices.* Geo. Clough, Clerk, W. Clopton, Sub. Sher., James Matthew (?) Sub. Sher. 1 p.

237. xvii. Similar Address of the Militia Officers of Middlesex County. *Signed*, Gawin Corbin, Col., John Grymes,

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Capt., George Wortham, Lt., Wm. Killber, Cornet, Tobias Mickleborough, Capt., Tho. Blaky, Lt., John Vivian, Ensign, John Smith, Capt., John Pace, Lt., John Hipkings, Ensign, Robt. Daniell, Capt., William Malines, Lt., Matthew Parry, Ensign, Henry Perrott, Capt., Thomas Wood, Lt., William Jones, Ensign. 1 p.

237. xviii. Similar Address of the Magistrates and Militia Officers of Gloucester County. March 16, 170 $\frac{1}{2}$ . *Signed*, Richard Bayley, Will. Bernard, Jn. Bayler, George Seaton, Jno. Sterling, Tho. Sanders, Thomas Poole, John Waters, Simon Stubblefield, George Stubblefield, Chr. Dicken, jr., Will. Robins, Tho. Browne, Saml. Mathews, John Degge, Simon Degge, Abraham Judson, Rob. Nettler, Thomas Sanders, John Smith, Phillip Hunley, James Morris, Rich. Dudley, Matthew Page, James Ransone, Peter Beverley, Mord. Cooke, John Gwyn, Thomas Todd, Conqt. Wyatt, Ambrose Dudley, Anthony Gregory, Will. Smith, Wm. Blackburne, Thomas Buckner, Peter Kemp, Gabriell Throckmorton, Da. Alexander, Richard Booker, Wm. Debnam. 1 *large p.*

237. xix. Similar Address of the Militia Officers of York County. *Signed*, Wm. Barbar, Peter Manson, Will. Batt, William (?) Watkin, Robert Goodwyn, Robert Kerby, James Archer, Bar. Wagstaff, Phill. Moody, Anthony Robinson, John Wythe, Peeter Starkey (?), Wm. Timson, Law. Smith, Tho. Chisman, jr., Charles Hansford, Daniell Taylor, Tho. Nutting, E. Jenings, Tho. Ballard, Wm. Buckner. 1 p.

237. xx. Similar Address of the Magistrates and Grand Jury of Charles City County. *Grand Jury*: John Cocke, Anthony Wyatt, Robt. New, Thomas Jackson, George Pasmoore, James Harrison, Randall Madax, Roger Rest, David Gudgam, Jno. Wickett, Jno. Daniel, Thomas Daniell, James Gabeker, Tho. Woodham, Robt. Harwood, Jno. Hunt, Tho. Andorson, James Gunn, Danl. Higdon, Jno. Baxter. *Justices*: Rich. Bland, Chas. Goodrich, Daniel Lewellin, Robt. Bolling, Littlebury Epes, Geo. Blighton, Jno. Hardiman, Joshua Wynne, Richd. Bradford. *Sheriff*: Micajah Lowe. 1 p.

237. xxi. Similar Address of the Militia Officers of Charles City County. Tho. Simmons, Adam Tapley, Peter Poythres, Anthony Wyatt, Jno. Epes, Fra. Epes, Jno. Limbreij, Joshua Wynne, Micajah Lowe, Jno. Hamlin, Jno. Epes, Jno. Reeker, jr., Thomas Harrison, Jno. Poythres, Jno. Poythres, Richd. Hamlin, Jno. Baxton, William Byrd, Edwd. Hill, Char. Goodrich, Littlebury Epes, Geo. Blighton, Richd. Bradford, John Taylor, Peter Jones, Richd. Reeker, James Thweatt (?). 1 p.

237. xxii. Similar Address of the Magistrates and Militia Officers of Henrico County. *Signed*, *Militia Officers*: William Byrd, William Randolph, Peter Field, Fran. Epes,

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Will. Farrar, Tho. Cocke, John Worsham, Giles Webb, Jos. Royall, John Bolling, Seth Ward, Geo. Worsham, Ph. Jones, Wm. Cocke, John Cox, Richd. Cocke, jr, Tho. Jefferson, Tho. Branch, John Worsham, jr., A. Childers, Fran. Epes, jr., Abra. Womak, Wm. Blackman. *Justices of the Peace*: Richard Cocke, Wm. Randolph, Fran. Epes, Wm. Farrar, Tho. Cocke, John Worsham, Giles Webb, Jos. Royall, John Bolling. 1 p.

237. xxiii. Memorandum of Minutes of Council of Virginia, March 11, 12, 170 $\frac{1}{2}$ .  $\frac{1}{4}$  p.

237. xxiv. (a) Copy of Proclamation for impressing some seamen. *Signed*, Fr. Nicholson. March 14, 170 $\frac{1}{2}$ . 1 p.

237. xxiv. (b) Copy of Proclamation proroguing the Assembly of Virginia till April 23, 170 $\frac{1}{2}$ . *Signed*, Fr. Nicholson. March 18, 170 $\frac{1}{2}$ . 1 p.

237. xxv. List of the French Refugees established at Manakin Town. March 6, 170 $\frac{1}{2}$ . 206 men, women and children. *Endorsed*, Recd. May 29, Read July 22, 1702. 2 $\frac{3}{4}$  pp. [C.O. 5, 1312. Nos. 27, 27.i.-xxv. ; and (without enclosures) 5, 1360. pp. 213-217.]

March 21. 238. Duplicate of above letter, *enclosing*,

238. i. Another copy of above letter.

238. ii. List of enclosures.  $\frac{1}{2}$  p.

238. iii. List of Addresses given above. 1 p.

238. iv. Copy of Minutes of Council of Virginia, March 11, 12, 170 $\frac{1}{2}$ . 7 pp.

238. v. Duplicate of preceding. 7 pp.

238. vi. Duplicate of No. 237. xxiv. 2 pp.

238. vii. Another Copy of Proclamation by Governor Nicholson, March 18, 170 $\frac{1}{2}$ , proroguing the Assembly till April 23.

238. viii. Duplicate of No. 237. xxv.

238. ix. Duplicate of No. 237. xxv. [C.O. 5, 1339. Nos. 5, 5.i.-ix.]

March 21. 239. Governor Nicholson to [*? the Earl of Manchester*]. Williamsburgh. Refers to letter of Feb. 25 and duplicates enclosed. *Signed*, Fr. Nicholson. 1 p. *Enclosed*,

239. i. Duplicate of above.

239. ii. List of Addresses to the King *given above*, Nos. 237. i.-xxii. 1 p. [C.O. 5, 1339. Nos. 6, 6.i., ii.]

March 21. 240. William Popple, jr., to Governor Lord Cornbury. Whitehall. Enclosing a packet for the Government of Connecticut concerning the Proclaiming of her Majesty. [C.O. 5, 1119. p. 81.]

March 21. 241. Minutes of Council of New York. Opposition having been made by James Mott and Henry Disbrow to the passing of Letters Patents to Col. Caleb Heathcote (see March 18, etc.) for the manor of Searsdale, all three were fully heard yesterday, when the Governor and Council recommended them to go together and agree their differences. They now appeared before the Board and produced an agreement signed by the said parties

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[quoted]. Ordered that the Solicitor General prepare a draft of Letters Patents accordingly, the quit-rent 5*l.* per annum.

Petition of Jacob Balck read, and the petitioner having taken the oaths before this Board on the 19th, and produced a certificate from the Minister of the Dutch Congregation in this City of his being a Protestant, it is hereby ordered that the Clerk of the Council do prepare a certificate thereof, and that the Seal of the Province be affixed thereto as desired. [C.O. 5, 1184. pp. 634, 635.]

March 23. **242.** Journal of House of Delegates of Maryland. Petition of Daniel Toads of Kent County, praying an Act for sale of Mr. Nicholas Milburne's lands for payment of his debts, read. Resolved that forasmuch as the executors of Milburn have no notice of this petition, it be referred till next Sessions.

Moved that, whereas the foundation of the prison intended to be built is placed on low ground, w[h]e[r]e commonly there is settling of water, which may prove prejudicial, therefore proposed that some more convenient place be appointed. Committee appointed to consult about new site.

Message sent down with a paragraph of Dr. Bray's letter. The consideration thereof referred to a full house.

Petition of Daniel Cannin praying an allowance for repairing the pasture fence read and referred.

Engrossed Bill for Religious Worship sent up.

Committee appointed to go to the Secretary's Office and inspect the old records of land, and report to the House in what condition they are, and if it be necessary any of them be transcribed anew. They reported that it is absolutely necessary that some of them be, and other books to be new bound, being now old and much worn. Consideration whereof is further referred.

Engrossed Bill for Religious Worship and Bill for naturalization of Hermanus Schee, Isaac Vanbebber, Mathias Vanbebber, James Broward and three sons, Dennis Collickman and Sebastian Oley, sent down. The fees of the latter settled.

Bill prohibiting abuses of wood-rangers, sent down.

Bill for payment of rents of orphans' lands, sent down, was read the first time.

Bills for prohibiting horse-racing on Saturdays, for relief of Kent and Calvert Counties, prohibiting abuses of woodrangers, confirming Mann's testament, and for naturalisation of Hermann Schee etc. engrossed and sent up.

March 24. 50*l.* voted to reimburse Dr. Bray for expenses in negotiating the affairs about the Act for Religious Worship.

Col. Edward Lloyd's account for cleaning of arms in Talbot County ordered to be paid.

Major William Dent's account for cleaning of arms in Charles County ordered to be paid.

The Bills sent up yesterday were returned.

The Committee of Election reported that Charles Greenberry and Lawrence Draper are duly elected for Ann Arundell County. They were sworn accordingly. Resolved (*nemine contradicente*),

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that a present of 400*l.* sterl. be made to H.E. for his signal services done to this Province.

Answer to H.E.'s speech, relating to the affairs of New York, sent up :—“ The subject has been seriously debated and considered and our loyalty and duty to H.M. having carried us on through all other difficulties and obstructions, we have resolved on a supply of money to the utmost degree of what we have or can by any ways or means attain to, which with trouble of mind we are forced to acknowledge will not amount to above 300*l.*, which altho' it be not the whole sum mentioned, yet it is all we have or can get, and by which we are constrained to leave some just debts of the publick unpaid and ourselves in a weak state of defence against our common enemy the Indians, who are daily annoying our frontiers. And because we have great reason to believe that our neighbours of New York have not used us fairly in representing our condition to H.M. otherwise than what it really is, and are well assured that it will be much for H.M. service to apply the money and all the strength we are able to exert to the defence of this H.M. Province of Maryland, in as great or greater danger than New York, and not to them who are much abler to defend themselves than we, and from whose fortifications or other strength we can have no manner of safety or security, we beseech your Excellency plainly and sincerely to represent the truth of our condition to H.M., imploring H.M. grace and favour to make good these assertions, which are plaine matter of fact and undoubted truths. (1) That the Indians of New York have as easy and open access to us as to them, who being a light, flying, wild, barbarous kind of enemy are not obliged by the carrying of any baggage or artillery to keep the improved roads or pass by our forts, but can easily and suddenly descend upon us over the unbeaten and unoccupied mountains, as we have found by experience. (2) We have several Nations of Indians on our Frontiers, some between us and New York, and some to the Westward of us and wide of New York, and some among us who are frequently committing rapines and murders on our frontier inhabitants, to secure whom as well as the Province in general, this Province has within this three years been at the charge of many hundred thousand pounds of tobacco, and tho' we have for this last three or four months been quiet by the winter season, we are in great fears of new incursions in the Spring, having no assurance of their faithfulness to us. (3) We have no meanes of raising money but by imposition of goods exported and imported, of which commodities as exportation of tobacco is twenty times more than all the rest, and in laying anything upon that, we are constrained to be very tender by occasion of the duty payable on the same in England, and the commission that is thereby advanced to the merchant to whom the same is consigned for sale. (4) To raise money by tax on the inhabitants is utterly impracticable here, for there's several hundred families, nay the greatest part of the whole Province, have not five shillings by them, nor any meanes to raise it, because there is very little amongst us, and that a bar-coin that is not currant with our neighbours,

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nor have any liberty yet from H.M. to advance coin so as to introduce it among us, by means whereof the best in the Province are sometimes put to a strait to procure money for their travelling pocket expenses. (5) This Province has several times heretofore been reduced to very great extremity and danger by those very Nations on our backs to the impoverishing and almost destruction of the men and substance of this Province, which we always sustained without any assistance from New York, or any other neighbour Government, except Virginia, who was equally concerned in the same at some times. (6) The great charge we have lately been at in raising money to build a Stadt House, free school, church and prison on a new seat of government at Annapolis hath put on us another great burthen, which is not yet discharged. (7) That it may be considered how far the money will compass the designed end, and when all our neighbours (under better circumstances than we) has not answered their proportion, and how discouraging it will be to us to remit our treasure and strength to New York, and lay our nakedness and defenceless condition open to our enemy, whilst our neighbours retain their strength for their own defence, and which we believe is the best service to H.M. (8) Let it be considered that 2,000<sup>lbs.</sup> of tobacco per year is, one with another, what every labourer makes in this Province, and that none but labourers or the best of this Province, can be sent to make up the quota of men demanded, and it will easily be found, considering the inability to us of raising money, and the duty tobacco pays at home, that the maintaining the quota of men mentioned will ruin this Province in one yeare, and lessen H.M. Revenue more than double the sum that we pay besides the danger of this Province of being overrun and destroyed by the salvages in the meantime. And that H.M., on consideration thereof, and his gracious regard for our safety will be pleas'd to exempt us from that or any other contribution to New York, and direct that the said money, or what other strength we can raise may be applied to the defence of this Province of Maryland, against the incursions of H.M. and our enemies, that so we may in comfort and quiet apply ourselves to our manufacture of tobacco for our own support and increase of H.M. revenue.

Bill engrossed prohibiting horse-racing on Saturdays, and Bill for preservation of orphans' estates, read a first and second time, were sent up. The latter was returned with concurrence.

Petition of John Price, a seaman, for allowance, rejected.

Accounts of John Bateman and Micajah Perry, not being signed or proved, was rejected.

Petition of Christopher Goodhand of Kent Island read, and referred till next Sessions.

Petition of Daniel Cannin, gate-keeper, relating to the repairs of the town-fence was again read. Resolved, that the fence be repaired.

Petition of Gerrard Slye of St. Mary's County, merchant, for an allowance for a house burnt in service in the time of the Revolution, rejected.

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On two other petitions he was referred for redress to the Common Law.

Books of the Land Records that are much worn and damnified ordered to be brought into the House for their perusal. Resolved that such books, or some part thereof, as are most worn be forthwith transcribed and others wanting may be anew bound with good covers, if to be had or made, which William Taylard undertook to do.

**March 25.** Paragraph of a letter from the Council of Trade, Sept. 4, 1701, read. "We wonder the Assembly should not think fit to constitute an Agent for soliciting their affairs here. There are many occasions, tho' not at our Board, in which business cannot be done without some charge, and great inconveniences have often risen by the delay of reports upon some Laws and otherwise, all of which will grow worse and worse, if some fit person be not appointed to look after such-like matters." The Council sent down a message therewith:—"In regard H.E. our present Governor is intended now shortly for England, of whose provident care we have all possible assurance, and is willing to take that trouble upon him, proposing for one year's time to bestow his application therein gratis, for the good will he has for the country, and afterwards at the rate of 120*l.* sterl. per annum, or if you shall think that too much, upon such terms as you yourselves shall judge fit, and to continue in such Agency until the Assembly shall by their letter signify that they have no longer occasion for to make use of him, we desire you to consider of what advantage H.E.'s good application may be to us, and accept of the said offer."

Governor Blakiston's letter to above effect read. Message sent up accepting his offer.

Bill for orphans' estates sent up.

Bill for apportioning the publick levy read the first and second time and sent up.

An Address to H.M., signed by H.E. and Council, was concurred with and signed by the Assembly.

Petition of Dr. Moore, for a rebate upon imported negroes dead etc., rejected.

John Borman, Member for Somerset County, entered this House and shewed that by means of the badness of winds and weather he could not give his sooner attendance.

Bill for apportioning the public levy, sent down, was engrossed, and sent up. It was sent down agreed to.

The Committee reported that the place intended for building the new prison is very ill-convenient, and advise that a place nere it, on a more rising ground, is very convenient. Ordered that it be built there.

Journal of Public Accounts, brought in, assented to by H.E. and Council. 4*l.* sterl. allowed Edward Topp, a Minister, for attending the Council this Sessions.

Peter Dent was sworn a Member for Somerset County.

The Assembly attending, H.E. gave his assent to the several Bills made this Sessions, and sealed them. He then prorogued the Assembly till April 28. [C.O. 5, 744. pp. 266-286.]

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March 23. **243.** Minutes of Council in Assembly of Maryland. Letter of the Rev. Dr. Thomas Bray about the Law of Religion, July 15, 1701, read, and recommended to the Delegates.

The arms last sent in from Mr. Tryon were liked of. Ordered that 100*l.* worth yearly of such arms be sent for with 20 barrels of powder.

Bill prohibiting horse-races and the abuses of wood-rangers read, agreed to and sent down.

Bill for the establishment of Religious Worship read the third time, readily past, and sent down.

*And see preceding abstract.*

March 24. *See preceding abstract.*

March 25. Bill for securing orphans' estates passed and sent down.

Bill for apportioning the public levy read twice and sent down. It was returned and assented to.

Several Acts passed this Session were assented to by H.E. The Assembly was prorogued until April 28.

*And see preceding abstract. [C.O. 5, 744. pp. 129-147.]*

March 24. **244.** Council of Trade and Plantations to Governor Whitehall. Codrington. Acknowledge letters of July 18, Aug. 18, 20, 25 and Nov. 10. What you write in the last relating to one General Agent for all the Islands under your Government is a thing very desirable, and we would have you to persist in your endeavours to get one appointed accordingly, for the applications of different persons, as from different authorities, about business which ought to be all reduced under your direction doe but perplex affairs. We doubt not but the Agent for Nevis will have transmitted thither some time since the Orders of Council confirming several of their Acts. However, we think good to acquaint you particularly with the whole proceedings relating to these Acts, and enclose a copy of our Representation of Sept. 3 and Order of Council, Sept. 16, for repealing the *Act for the better securing the Islands etc.*, the reason of which repeal you will find in our Representation, and may thereupon use your endeavours to get another Act passed to the like effect, which may not be liable to those objections. We send another Order of Council, Sept. 16, confirming the Acts therein mentioned, and whereas the *Act to encourage the late disbanded soldiers to remain on the Island etc.* is not comprehended in that order, by reason of some doubts suggested to the Lords Justices, upon which they referred it back again to our consideration, we afterwards made a second report upon that single Act, and you have the confirmation of it in the enclosed Order of Council Nov. 20. We also enclose our Representation Nov. 20, and Order of Council Dec. 21 for repealing two Acts of Nevis, *for securing titles of land*, and *regulating the Militia*, the reasons of which repeal you will also understand by our Representation, and may thereby guide yourself in passing other more proper Acts for those purposes. We have some Acts of Antigua before us, which we shall consider in due time. We have received the Act passed in St. Christopher's, *for strengthening H.M. part of*

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that *Island*, which you mention Nov. 10, but have deferred to consider it because of a petition that it may not be confirmed, of which we send you here inclosed a copy, that you may inform us fully of the reasons which induce you to pass it, and which may obviate the particular objections that you may conceive likely to be raised against it.

Mr. Mead, who is one of those Petitioners, has also given us the titles and dates of two other Acts past by you at St. Christophers, which we do not find have been transmitted to us, vizt., *An Act for raising a Levy to defray the publick charges*, Jan. 14, 1700, and *An Act for repairing H.M. Fortifications and other necessary works for the security of that Island*, April 17, 1701. This is imputed to you as a neglect, and if it be so, we must require you to be very cautious that you fall no more into the like fault, but that for the future you take better care in transmitting all Acts of the Assemblies under your Government according to your Instructions. *Enclose Orders relating to the complaints of Mr. Freeman, Mead and others.*

There was also referred to our consideration a petition in the name of Capt. Norton, complaining of your proceedings against him, but as your conduct in that matter has already been approved of and confirmed, his Agents thought fit to decline the prosecution thereof, and declared their acquiescence in what has been done.

The other complainants, Mr. Freeman and Mr. Mead etc., have not been satisfied with the King's Orders on our Reports, but have petitioned the House of Commons for redress, and the matter is now before them, for an account of which we refer you to your friends and correspondents, who take particular care of it. But upon the whole, as these matters have occasioned much speech and great reflection upon your conduct, which whatever may be the consequence cannot for the present but be very disagreeable to you, we think it our part upon this occasion to admonish you to be very careful for the future in preserving such deliberation and caution in all your proceedings as may prevent your falling into any irregularities whatsoever, and this not only upon account of the inconveniences, which may ensue to yourself, but also of the obstructions and other prejudice which may from thence arise in the course of H.M. service committed to your care. We observe what you write in your letter of Nov. 10 about judicature, and shall be very glad to receive the observations you promise us upon the pamphlet called *Plantation Justice*. In the meantime, as to your acting as Chancellor, you are in the right to understand yourself authorized to do it by the custody of the Great Seal of those Islands. Whosoever is entrusted with the Seal ought undoubtedly to perform the office belonging to the Seal; and your Instructions do also further direct you to hear and determine Appeals, which is the same authority that is given to all H.M. Governors in his other Plantations. But tho' it has been alledged to us in vindication of your conduct upon occasion of the foresaid complaints, that some former Governors of the Leeward Islands have sometimes

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sat upon the Bench, with the ordinary Judges in hearing causes, we cannot but declare to you that the practice appears to us very irregular, and that it is altogether unfit that the same person should either sit as Judge or otherwise appear upon the Bench in hearing any cause in the first instance, which may afterwards come before him by way of Appeal.

As to the place of Secretary of those Islands, your Agent ought properly to have petitioned H.M. therein, and then if the matter had come to us by reference, our report upon it would have had due weight; but as it happened, the place was obtained by another person without our having the least knowledge of it till after the thing was done. We are very well pleased with the zeal you express upon all occasions for H.M. service, and particularly for the defence of St. Christophers, where you apprehend may be the first danger in case of a war; and we have laid before H.M. very particularly the account you have given us of the state of defence of those Islands, and the stores of war and men wanted for the security thereof, upon which, as any directions shall be given, we will take care to inform you. *Refer to the exchange of firelocks for Nevis.*

Whilst we were thus far advanced in preparing this letter, we have received another from you, Dec. 30, and the Acts you mention, which we shall consider in due time. Your endeavours to promote an Act for the uniformity of Justice throughout all the Islands under your Government are very well employed, and you will do well to persist therein. The account you give us of the murder of Mr. Martin at Antego is very unhappy. As the occasion seems probably to have been some extraordinary severity towards his negroes, we are the more sensible of the expediency of a law for restraining inhumane severity, not only towards Christian servants, but slaves, which you are directed by your Instructions to endeavour to procure, and we therefore recommend it particularly to your care. And as for the ill condition which the inhabitants of that Island appeared to be in upon that occasion, with relation to their defence in case of any attack by an enemy, we shall make use of that also in proper opportunity to strengthen what we have already represented about arms necessary for the security of the Islands under your Government. *Signed, Stamford, Lexington, Robt. Cecil, Ph. Meadows, John Pollexfen, Mat. Prior. [C.O. 153, 7. pp. 425-435.]*

March 24. **245.** William Popple to Henry Newton. The Council of Whitehall. Trade and Plantations have commanded me to trouble you once more upon occasion of How and Churchill, in desireing you to inform them, whether, in case the said How and Churchill did not plead the general New Gate Pardon, (tho' their names were incerted) it be valid to them. [C.O. 5, 1289. p. 394.]

March 24. **246.** Governor Blakiston to the Council of Trade and Maryland. Plantations. Since my last of Dec. 10, I have received yours of Aug. 14 and 20 and Sept. 4. I cannot at present give a full answer to them as I ought, being obliged to consult the Council

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upon many of the paragraphs, and some the Assembly, particularly that about an Agent. The Assembly is now sitting; their first meeting was on Tuesday last. I find they have assented to the Law of Religion in the manner it was sent by your Lordships, but it is not yet returned to the Council. I have laboured what I can to be prevalent with the General Assembly to comply with H.M. letter concerning our proportion of money to be paid to New York. I am not without hopes but they will doe something becoming them in it, and not wholly reject it, as it has been done by our adjacent neighbours. The occasion of my giving your Lordships this trouble is by your instructions that whatever affairs I had to transmit to the Secretary of State, to send you copies thereof. The reason of my sending them away before the Assembly had done is because I am doubtful it may be some months before another ship may sail from hence, for the ships that are here are very desirous to have some advice from England before they will venture, and if a war, they are in hopes of a convoy. *Signed*, N. Blakiston. *Endorsed*, Recd. June 11, Read July 22, 1702. *Holograph*. 1 p. *Enclosed*,

246. i. Governor Blakiston to Mr. Secretary Vernon. Maryland, March 24, 170 $\frac{1}{2}$ . Enclosing the following Address to be laid before His Majesty. *Signed*, N. Blakiston. *Endorsed as preceding*. *Copy*. 1 p.

246. ii. Copy of the Humble and Loyal Address of the Governor, Council and General Assembly of Maryland to the King. Maryland, March 24, 170 $\frac{1}{2}$ . We your Majesty's most dutiful and loyal subjects being met together and having a deep sense of the inestimable blessings and benefits we have enjoyed (next under Almighty God) from your Majesty's great and glorious achievements, though attended with so many hazards of your Royal Person, so often exposed at the head of your armys for the defence and preservation of our Libertys and Propertys, And having seen Addresses from most of your Countys and Citys of England upon the occasion of the French King's (contrary to his Faith and Solemn Treatys) proclaiming the pretended Prince of Wales King of your Majesty's Realm of England and your Dominions thereto belonging, which your Majesty has been pleased graciously to accept, we are thereby emboldened to hope our remoteness will not exclude us from the tender of our most ardent wishes for your most sacred person, and to declare how utterly we abhor and detest the unjust proceeding of the said French King, and at the same time to assure your Majesty, that although we are but a very small part, yet we hope in our several stations to give the utmost proofs of our most loyal affections etc. *Signed by the Governor, Council and Assemblymen*. *Same endorsement*. *Copy*. 1 p. [C.O. 5, 715. Nos. 50, 50.i., ii.; and (without enclosures) 5, 726. pp. 129, 130.]

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March 24. **247.** Council of Trade and Plantations to the Earl of Manchester. We enclose an estimate of the charge of Stores of War proposed by our Representation, Jan. 24. P.S.—We have just now received letters from Virginia, by which we find there is wanting a greater quantity of arms etc., of which we shall speedily send your Lordship an account. *Signed*, Stamford, Lexington, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen. [C.O. 324, 8. p. 85.]

[? Mar. 24.] **248.** Col. Dudley to the Council of Trade and Plantations. Praying for allowance for freight for his equipage to his Government, as is usually done, upon certain vessels released from the present embargo to proceed to New England. *No signature or date.* *Endorsed*, Recd. Read March 24, 170 $\frac{1}{2}$ . *Holograph.* 1 p. [C.O. 5, 862. No. 104.]

March 24. **249.** Journal of Council of Trade and Plantations. Copy of the estimate of Ordnance for the Plantations, received from the Board of Ordnance, ordered to be sent to the Earl of Manchester.

Letter to Col. Codrington signed.

Letter from Dr. Newton, March 21, read. Secretary ordered to write to him again. [See March 24.]

Memorial from Col. Dudley, praying that he may have the usual allowance of tonnage, for the transportation of his equipage to New England, granted him, being read, ordered that he be acquainted that it is already done by H.M. Order in Council of June 28 last.

Order of Council, March 18, referring to the consideration of the Board a Memorial from Col. Dudley, read.

Letters from the Lords Proprietors of the Bahama Islands and the Lords Proprietors of Carolina, read.

March 25. Ordered that Col. Dudley be desired to attend on Friday.

Two letters from Governor Blackiston, Oct. 30 and Dec. 10, 1701, read, and the papers enclosed laid before the Board.

Letter to the Earl of Manchester signed.

Three boxes of papers lately received from Governor Nicholson, dated Dec. 2, 1701, were laid before the Board, and part of the first letter was read. Upon consideration of the paragraph relating to the Militia and to the want of arms, ordered that a Representation be prepared. [C.O. 391, 14. pp. 364-383; and 391, 96. Nos. 51, 52.]

March 25. **250.** Hen. Newton to [? Wm. Popple]. In reply to letter of 24th I have again looked into his late Majesty's pardon, in which Churchill and How are inserted, and doe find that the pardon is general and absolute without any condition or limitation, so that it may be pleaded by them at any time, but they having given bail to plead H.M. pardon according to the warrant granted in that behalf at the next General Sessions of the Admiralty, if they doe not then appear, the recognizance will be forfeited. There has been no General Sessions of the Admiralty

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since the last Newgate pardon. *Signed*, Hen. Newton. *Endorsed*, Recd. Read March 26, 1702.  $\frac{3}{4}$  p. [C.O. 5, 1261. No. 58; and 5, 1289. pp. 394, 395.]

March 25. 251. Col. Dudley to Mr. Popple. Praying him to lay before the Board his requests for freight, cannon and a Company from New York for New England with despatch. *Signed*, J. Dudley, *Endorsed*, Recd. Read March 25, 1702. *Addressed*. *Sealed*. *Holograph*. 1 p. [C.O. 5, 862. No. 105.]

March 26. 252. Council of Trade and Plantations to the Earl of Manchester. Having upon letters from Coll. Nicholson made a further representation relating to the want of such arms etc. in Virginia as we conceive most necessary at present, we desire your Lordship to take the first opportunity to lay it before Her Majesty. *Signed*, Stamford, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen. *Annexed*,

252. i. Council of Trade and Plantations to the Queen. Since our Report of the 24th January last, relating to the state of defence of your Majesty's Plantations in America, we have received letters from Coll. Nicholson, your Majesty's Governor of Virginia, wherein he gives us an account, that upon a late review of the Militia there, he found them in a very ill condition with relation to arms and stores of war necessary for their defence; the particulars whereof are as follows:—

The Horse consisting of .. .	2,143	} 4,128
And the Dragoons consisting of ..	1,985	

There are wanting for them 3,000 case of pistols, and 3,500 carabines;

The Foot consisting of 4,971 men, there are wanting for them 500 firelocks, and for the whole, Horse, Dragoons and Foot, 5,000 swords, besides powder and ball, which particulars the country ought to provide at their own charge.

But in regard of the great importance of that Colony to your Majesty's Revenue and to the Trade of this Kingdom, and in consideration of the present conjuncture, and that such arms and stores cannot be provided in America, we humbly offer that your Majesty be pleased to order such a quantity of arms to be sent to the Governor; and that he be directed to require the Assembly to reimburse the same, and not otherwise to deliver any of them out, but upon absolute necessity. And whereas the Assembly have raised 420 pounds sterling for defraying the charge of taking a Pirate ship in April, 1700, which was an eminent and extraordinary service, we humbly represent that your Maj. be pleased to gratify them in allowing the deduction of that summe out of the reimbursement they are to be required to make as aforesaid, as also that 100 barrills of powder and ball for small arms proportionable be sent, to

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remain in the stores, and to be delivered out as the Governor shall see occasion; and that the Governor take due care that the persons to whom any of the said arms and ammunition shall be delivered for their ordinary use and security, be so accountable, that the same may not be embezzled or lost. And we further humbly offer that it would very much conduce to yr. Maj<sup>ty</sup>'s service, if a Store-Keeper were sent to this Colony (as well as to others) who may be accountable for such arms and ammunition as your Maj. shall think fitt to send from time to time. And having further had an account from Captain Powell, Commander of the Soldiers at Newfoundland, that half of the arms there are not fit for service, we are humbly of opinion, that 100 firelocks be sent by the first ships going thither, and consigned to the Store-Keeper there with 10 barrills of powder or ball proportionable for the use of the soldiers, besides what the officers of yr. Maj<sup>tys</sup>. Ordnance shall judge requisite for the cannon and mortars there. *Signed*, Stamford, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen. [C.O. 5, 1360. pp. 129-131; and (enclosed Representation only) 5, 1335. pp. 1-3.]

March 26. **253.** Order of Queen in Council. Approving of the Representation of March 17, concerning Newfoundland. H.M. in Council having been thereupon pleased to order the particular services therein proposed to be forthwith directed by the respective Offices, H.M. is further pleased to order that the Lords Commissioners of Trade and Plantations do prepare a draught of Instructions to be given by the Lord High Admiral to the Commander of the Convoy accordingly. *Signed*, John Povey. *Endorsed*, Reed. March 31, Read April 21, 1702. 4 pp. *Annexed*,

253. i., ii., iii. Duplicates of *Nos.* [March 16] accounts. 3 pp. [C.O. 194, 2. *Nos.* 66, 66.i.-iii.; and (without enclosures) 195, 3. pp. 65, 66.]

March 26. **254.** Order of Queen in Council. Ordering that the orders for the seamen on board H.M. ships of war at Newfoundland to assist in the fortifications there during their stay, be renewed, in accordance with the Representation of March 17. The Lord High Admiral to give the necessary orders. *Signed*, John Povey. *Endorsed*, Reed. March 31, Read April 21, 1702. 3 p. [C.O. 194, 2. *No.* 69; and 195, 3. pp. 69, 70.]

March 26. **255.** Order of Queen in Council. Approving the Representation of March 17, and ordering that allowance be made to Mr. Thurston as there recommended. The Lords of the Treasury to give the necessary directions. *Signed*, John Povey. *Endorsed*, Reed. March 31, Read April 21, 1702. 1 p. [C.O. 194, 2, *No.* 71; and 195, 3. pp. 71, 72.]

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March 26. **256.** Order of Queen in Council. Ordering clothes and money for the company at Newfoundland to be sent in accordance with the Representation of March 17. The Lords of the Treasury to give the necessary directions. *Signed*, John Povey. *Endorsed*, Recd. March 31, Read April 21, 1702.  $\frac{3}{4}$  p. [C.O. 194, 2. No. 70; and 195, 3. pp. 70, 71.]

March 26. **257.** Order of Queen in Council. Ordering provisions for the Company at Newfoundland in accordance with the Representation of March 17. The Lord High Admiral to give the necessary directions. *Signed*, John Povey. *Endorsed*, Recd. March 31, Read April 21, 1702.  $\frac{3}{4}$  p. [See *Acts of Privy Council, Colonial*, II, pp. 400, ff.] [C.O. 194, 2. No. 68; and 195, 3. pp. 68, 69.]

March 26. **258.** Order of Queen in Council. Ordering materials and workmen necessary for the fortifications in St. John's Harbour to be sent thither in accordance with the representation of March 17. The Master General of Ordnance to give the necessary directions. *Signed*, John Povey. *Endorsed*, Recd. March 31, Read April 21, 1702. 1 p. [C.O. 194, 2. No. 67; and 195, 3. pp. 67, 68.]

March 26. **259.** Order of Queen in Council. Referring enclosed petitions to the Lords Commissioners of Trade and Plantations to examine and report what they conceive fit for H.M. to do therein. *Signed*, John Povey. *Endorsed*, Recd. 30th, Read March 31, 1702.  $\frac{3}{4}$  p. *Enclosed*,

259. i. Petition of William Byrd to the Queen in Council, praying leave, as Agent of Virginia, to present the enclosed petition and to be further heard upon the circumstances of the Colony. *Signed*, William Byrd. *Copy*. 1 p. *Enclosed*,

259. ii. Petition of the Council and Burgesses of Virginia to the King. Oct. 2, 1701. [Concerning the quota. See *Cal. A. & W.I.*, 1701, No. 893.] *Signed*, William Byrd, E. Jennings, Robt. Carter, James Blair, Peter Beverley, Speaker; Miles Cary, Tho. Ballard, James Bray, George Marable, Edwyn Thacker, Tho. Milner, Richard Bland, Tho. Hobson, Cooke, Edward Mosely, senr., William Farrar, Mat. Godfrey, Rodham Kenner, Tho. Batt, William Cary, T. Welburne, Tully Robinson, Nath. Harrison, Tho. Edmundson, Dan. Sullivall, Wm. Armstead, Tho. Barbar, Tho. Cocke, Joseph Ball, George Tayler, Tho. Giles, Gideon Macon, Ja. Westcombe, Wm. Gough. *Copy*. 8 pp. [C.O. 5, 1312. Nos. 30, 30.i., ii.; and 5, 1360. pp. 146-158.]

[March 26.] **260.** Col. Quary to the Council of Trade and Plantations. The sense of my duty to H.M. service and your Lordships' commands obliges me to lay before you the true state of several of H.M. Provinces in America. The *Island of Providence* is as

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happily situated as any in America, capable of producing anything. There are also many Islands belonging to it, all of the same nature. It hath a very commodious, secure road. But hitherto (by the corruption, rapine, and extortion of the late Governors), they have seemed only to shelter, receive and harbour Pirates, and encourage all manner of illegal trade. The last Governor broke the Collector's head, and sent him to gaol for presuming to do his duty. He turned the Admiralty Officers out, and erected a Court of his own, and then found work for them. The inhabitants are a great many of them forced off, and the rest by reason of the rapine, extortion and barbarous usage of their late Governors, but more especially by reason of the unheard of violence, injustice, and oppression which they now groan under, are endeavouring to get away as fast as they can. It would tire your Lordships should I here insert all the particulars of the extravagant actions of the late Governor. The people have seized him in order to send him home. If your Lordships were made sensible of how great importance this Island is to H.M., you would soon use all proper means to defend and secure it in the Queen's own hands by sending over a Governor duly qualified for that charge.

The Government of *Carolina* hath made an Act in direct opposition to an Act of Parliament of England, whereby they have destroyed all the powers of the Admiralty, and confined it to such rules as are inconsistent with that Court, and have imposed such fines on the several officers, that they dare not act. They have turned out Mr. Trott, who had given security to the Commissioners of the Customs, and had their Commission to be Naval Officer at that Port, and have put in a man who hath spent all his time in carrying on illegal trade, in which he is still concerned, however, he is fit for their purpose. So that all illegal trade is carried on to the greatest degree imaginable, especially that most pernicious trade from St. Thomas. Some extraordinary remedy must be speedily applied, for it increases daily in most of the Plantations on the main and in the several Islands.

*North Carolina* produces nothing but provisions and tobacco, and they have no other chapmen for the tobacco but the New England men, who carry most of it to Newfoundland and other foreign markets. The people of this country think that Virginia deals very unkindly by them, for they have passed an Act to prohibit their sending their tobacco to ship off at Virginia for England. I am sure that Act is very injurious to the Queen's interest. Governor Nicholson is very sensible of it; and if that Act was declared void, all their tobacco which grows in that country would be sent directly to England, and so prevent its going to a wrong market.

As to what concerns the trade of Virginia and Maryland (considering the extraordinary diligence of the present Governors), I have only to observe that it would be very much for the Queen's interest if there were ports appointed in every River for the landing of all goods, but more especially the shipping of all tobacco, by which means the accounts of entries would agree with

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the account of what was landed here ; it would prevent many inconveniences and make Trade easy, especially if an Act was passed to prevent the shipping any bulk tobacco.

Pennsylvania, in relation to its illegal trade, would require a larger memorial. In general, all illegal trade is carried on in that country and neighbourhood rather worse than ever. There are sloops purposely employed to go out of the Capes, and there take on board the Curasaw goods out of the vessels and so disperse them. The vessels that bring them from Curasaw come up to Philadelphia in their ballast : this proves so successful that the New York merchants find it their interest to carry on the same trade. Nothing can prevent this but a small shallop and a few brisk hands. Mr. Penn hath made a great noise about his Acts to prevent illegal trade, but they have not been twopence advantage to the Queen, or so much as taken notice of since they were made, nor have they answered any one end, but that of his own, which was to make fair weather at home, and impose on the world, which point he hath gained. I will not now trouble you with his invading the powers of the Admiralty, so contrary to his many promises, but am obliged to acquaint you that there hath happened a most fatal mistake in the last Commission of Mr. Atwood, Judge of the Admiralty. His Commission is for all the Provinces to the northward, and both the Jerseys, so that West Jersey, which was formerly in my Commission, is now taken from it. Nothing parts Pennsylvania and West Jersey but the River, so that unless they are both under one jurisdiction, it is impossible to secure either, of which we have had late experience by vessels removing to the other side of the river, and there they are in another jurisdiction, and so escape. Mr. Atwood hath no officers settled on the Jersey side, whereupon it follows that the dividing those two Provinces will ruin the Queen's interest in both, therefore humbly propose that they may be united as formerly, or that Mr. Atwood may have Pennsylvania and the three Lower Counties in his Commission, which will prevent confusion. There are several small Ports in West Jersey, of which Captain Jewell is Collector. I will place him where he may be able to do the Queen most service.

*State of Defence.* The great number of H.M. subjects on the Main are divided into a great many Provinces, and in every one they are scattered and dispersed very wide asunder, so that it is impossible for any Province to fortify the frontiers against the Indians, nor can they maintain a constant force in arms to secure them. What then can hinder the Indians from falling into any of the Plantations and half ruin them before they can be in a condition to defend themselves ? I do very well know that Virginia and Maryland are under the best circumstances, both in respect of the great number of men, and the advantage of having such experienced and vigilant Generals to command them on such occasions, yet considering how they are dispersed, and how badly most of them are armed—some have guns, some none, but little ammunition, and the most of them not fit for service or action should there be occasion ; all which considered, it is much to be

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feared that should an enemy fall into these countries, it would be of fatal consequence, many of the out-settlements must be cut off before the rest can be drawn into a body to repell the force, tho' I am sure nothing would be wanting in the Governors that is in the power of man to do.

The Proprietary Governments are in no wise capable to defend themselves. Carolina nothing but anarchy and confusion ; some places perhaps have the name of a Militia, and that is all, for they want arms and ammunition and all things else for their defence, nor have they any Act to enforce it. They will, it may be, meet once or twice in a year under the pretence of exercise, when their business is wholly to be drunk. In some Provinces there is neither militia, arms nor ammunition, no, not so much as a Military Commission, but the Queen's subjects are exposed to all the miseries imaginable both by land and sea, which is the case of Pennsylvania. And yet Mr. Penn endeavours all he can to invite all foreign Indians known to be villains, and some French lately come from Canada, to come and settle in his country, only for the benefit of a trade with them, which he takes care wholly to ingross to himself by ordering the Indians not to permit any to trade with them, but such as can show an indented licence and his seal. What Mr. Penn's profit from this trade may be, I know not, but am much afraid it will prove to be the loss of many thousands subjects' lifes, if not speedily prevented by H.M. care.

*Proposals for remedies* :—I do propose as a most essential thing, that H.M. do take all those Proprietary Governments into her own hands ; that she will be pleased to appoint prudent Governors, and particularly in Carolina, with Instructions to treat those Indians in amity with them, who are a free people, with justice and tenderness ; that some small presents may be made to the several Nations according to their several circumstances ; that a Law may be made to regulate the Indian trade, which will improve it to a vast advantage, and may be a fund to defray all the charge of the Government ; that all endeavours imaginable may be used and good encouragement given for settling Port Royal, which is the frontier of that Province to the South, a place of great consequence, being one of the best harbours in that Province, a fertile soil, a noble, fresh River, and having all the advantages of a good settlement ; the inhabitants of the country are now sensible of their mistake in not settling there at first, which had they done, it would have been the best improvement on the Maine. It is still capable of being so, and abundance of the inhabitants are willing to remove thither. A good Militia should be settled in every Province, so well fitted and armed, that they may be able and always in a readiness to defend themselves and their neighbours. As for the other Governments to the Northward of Carolina ; I cannot for my part see anything that can prevent great destruction amongst them in case of an invasion by the Indians, but a considerable garrison on the Frontiers of Albany, well supported and supplied. Nothing else can steady the Five Nations to the English interest ; for when they find that those frontiers are so supported as that

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they may depend for security and defence from thence, they will then continue firm and steadfast. If we lose the Five Nations, there will be nothing to hinder our enemies from ranging over the Maine and bringing ruin and destruction on which Government they please. Virginia and Maryland have often felt fatal effects from these very Indians, even when they were friends, yet the present Assembly of Virginia are of opinion that the support of Albany doth no way concern them, which I could never have believed, had I not been an eye- and an ear-witness of it. *Gives an account, agreeing with that given Cal. 1701, Preface etc., of Governor Nicholson's vain endeavours with the Assembly on the subject of the Quota.* This malignant humour is not confined to Virginia, but is diffused more or less through all the settlements on the Maine. I have indeed spent some time and thoughts to find out the true cause of this strange alteration and change, which is so remarkable in the humours and tempers of the people in those parts. My long experience in the several Governments under H.M. on the Maine, gives me the advantage of knowing that no people could be more loyal to their Prince, more obedient to Law, more respectful to Governors and more ready to answer H.M. commands. That their humours are of late soured, and their tempers in some respect changed, is obvious to every man. And for me to consider that it is the interest and security of all the Plantations on the Main to contribute towards the support of Albany and its Frontiers, and that the charge is so very inconsiderable, and to see the security and unconcernedness of most Provinces on the Main, and to see them so averse generally to the raising their respective Quotas, doth amaze and astonish me. I have sometimes believed that it might proceed from those late licentious Commonwealth principles, too much improved in England, and which hath been the subject-matter of so many scurrilous and scandalous pamphlets, enough to corrupt the morals and principles of good men, if not well guarded against the pernicious and subtle poison. But upon more mature consideration, I have good reason to conclude that the cause and foundation is to be found near home, I mean from the several neighbouring Charter Governments. And this may be easily demonstrated, if we consider that the people under the Proprietors do very seldom or never pay any taxes for the support of the Church or State ; they entertain and encourage pirates ; they carry on all manner of illegal trade, violate all the Acts made to prevent those evils ; they affront the King, his Laws, Authority and Officers, and by all these disloyal and unjust actions grow rich and get estates, and have hitherto escaped the punishment and just reward of their wickedness. This makes the people of the Queen's Government murmur and repine, and puts them on thinking what should be the reason that their next neighbours and fellow subjects should enjoy more ease, liberty and freedom under the Proprietors' Government than they do or can under H.M. And that which aggravates their discontents, these people of the Proprietary Governments make it their business to upbraid and reflect on them, as being slaves and

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miserable in comparison of themselves. This I know to be a constant practice and produces ill effects. I heartily wish proper and effectual remedies may be applied before these discontented humours were improved to a greater height. And none other or better expedient can be found than H.M. taking all the Governments into her own hands, governing all, as near as possible may be, by one and the same Law. This would make all easy, satisfied and contented; and until this be effected, I can propose a plain, easy and expeditious way for H.M. to oblige all the Provinces on the Main to pay their several quotas without murmur, but shall await your Lordships' commands.

Upon all these considerations, I propose (1) that Albany and the Frontiers of that Government be well mann'd, victualled and provided with all things necessary. (2) That more care be taken of the soldiers than hath been of late, to prevent their mutinies, and deserting their post and dutys. (3) That the Five Nations be treated with all the justness and kindness imaginable; that they be assured of aid and assistance of men and arms, with whatsoever else they stand in need of, in order to their defence, or the attacking their or our enemies. (4) That some sober, discreet men be encouraged to reside amongst them, to advise and direct them in difficult matters, and to observe their motions. And since it is not possible for the Government of New York to support the charge of all this alone, and as unreasonable that H.M. should send money out of England for this purpose, there can be no better means or expedient found out, than the Quota proposed. The charge is very easy and inconsiderable, not to be felt by any of the people of the Government. The Assembly of Pennsylvania, for instance, gave Mr. Penn at one sitting 2,000*l.*, and have settled upon him taxes to 1,000*l.* per annum and upwards, and this was look'd upon as a very mean, inconsiderable present: he expected at least 10,000*l.*, and perhaps in a little time will gain his point. And he has set on foot a subscription for several thousands of pounds amongst the Quakers on his going home, to prevent the Bill for re-uniting the Charter Governments to the Crown, and sets forth that the consequence would be, if not to depopulate the country, at least to stint its growth. So formidable is the Queen's Government rendered to these poor, deluded people, and rendering H.M. other subjects of equal numbers inconsiderable, in the most depraving terms his pen could invent, as I have it from some of themselves, that the Churche's name is only taken in vain here. What your Lordships laid before the House of Lords, in Representations upon the Proprietaries, is plain matter of fact and the greatest part within the compass of my knowledge, etc. *Signed, Robt. Quary.* *Endorsed, Reed. 26th. Read March 31, 1702. 11½ pp. Holograph.* *[C.O. 323, 3. No. 120; and 324, 8. pp. 86-106.]*

March 26. **261.** Abstract of preceding. 9½ pp. [C.O. 323, No. 119.]

March 26. **262.** Journal of Council of Trade and Plantations. Letter Whitehall. from Dr. Newton read.

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Col. Quary presented to the Board a Memorial relating to the condition of several Governments in America, and their Lordships resolved to take the same into consideration, with some further memorials which he promised to bring, when they shall have gone through with the perusal of Col. Nicholson's letters.

Representation relating to the want of small arms etc., in Virginia and Newfoundland, with a letter to the Earl of Manchester, signed. Their Lordships finished the reading of the first of Col. Nicholson's letters, Dec. 2, 1701.

March 27. Col. Dudley, attending, was acquainted that directions were given by an Order in Council, June 28, 1701, for his transportation etc. As to his desire of having one of the Companies of Foot now at New York removed to New England, their Lordships did not think it fit to be done at present, and gave directions for preparing a Representation thereupon, as also upon the state of defence of all the Plantations.

The second of Col. Nicholson's letters, Dec. 2, 1701, read. [C.O. 391, 14. pp. 383-386; and 391, 96. Nos. 53, 54.]

March 26. **263.** Minutes of Council of New York. Report of the Commissioners of the Public Accounts read.

This Board being informed that Mr. Barnardus Freeman, the Minister of the Dutch Congregation at Schenectady, hath, since the decease of the Minister of the Towns of Flatbush, New Utrech(t), Flatlands and Brookland, been offered the said vacancy, which 'tis believed he will prefer as more valuable, and this Board knowing it to be for H.M. service with relation to the Indians that now are or hereafter may be made proselytes, do offer him that what sum less than 60*l.* per annum he shall receive from Boston by reason of his care and pains with the Indians, the deficiency shall be made up to him from H.M. revenue here. Proclamation ordered requiring the Representatives of the people to meet in General Assembly punctually according to prorogation.

Petition of Peter Cortilean read, praying a patent for a small parcel of land lying in the New Dorp, adjoining to the land of John Dowisse in Richmond County. Ordered that a warrant issue to a Surveyor to survey the same in order thereunto.

Ordered, that unless Severyn Tenhout or some for him do appear before this Board and make good the allegations in his petition, Jan. 26, on or before Monday three weeks, a patent will issue to Matthias Mott.

*Depeyster v. Cruger:* The Defendant this day filed his plea in form. Ordered that the errors be argued on Munday seven-night next.

This Board being informed that three drift whales are lately come on shore on a beach in the County of Suffolk on the Island of Nassau, ordered that Thomas Clark and John Mosier, of the said County, do take care of and try and secure the same, and they are hereby allowed  $\frac{1}{3}$ rd part of the bone and oil for their trouble and charge, they delivering the other  $\frac{2}{3}$ rds into the Custom House at New York clear of all charges. Warrant ordered to be prepared accordingly. [C.O. 5, 1184. pp. 635, 636.]

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**264.** Minutes of Council of the Massachusetts Bay. Resolved that the garrison at H.M. Castle on Castle Island be made up 120 effective men, besides the Commission and Warrant Officers. Warrants of impress signed for detaching 100 soldiers for that service out of the several Regiments of Militia in proportion as stated.

Ordered that the Captain of the Castle be empowered to enlist such able men as shall voluntarily offer themselves for H.M. service, to be of the standing garrison there instead of any of the imprest men, as he shall judge not fit for that service.

Order to Capt. Cyprian Southack for fitting out the *Province* galley, and a warrant of impress for seamen, to be in readiness, signed.

Ordered that in case of emergency any seven or more of the Council may sign sailing orders for the *Province* galley.

Warrant signed for 500*l.* to be paid for work on the Castle Island fortifications.

William West of Salem appointed gunner of H.M. Fort there.

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Proclamation signed and published by beat of drum, requiring the Selectmen of the several towns to take an accompt of their town stock of ammunition and warlike stores, and to see that they be made up the full quantity by law required, and that of such as are good and fit for service, also requiring all military officers to cause a view to be made of arms and ammunitions within their commands, and to take care that the Act for regulating the Militia be effectually put in execution, and to observe the Act for putting the Militia into a readiness for defence.

Resolved that, to the intent there be a suitable number of men tained up and instructed in managing and traversing the great ordnance of H.M. Castle on Castle Island, there be enlisted out of the two regiments of Militia in Suffolk, and the lower regiment in Middlesex 300 men under proper officers. Orders signed directing the respective Colonels accordingly, and to see that upon an alarm from the Castle they forthwith repair to the same, and that at certain times to be appointed they also repair thither to be exercised and instructed in managing the ordnance, etc. Commission signed appointing Samuel Sparhawk Captain and Samuel Cooper Lieutenant, and Andrew Boardman Ensign of the Foot Company of Militia in the Town of Cambridge. [C.O. 5, 788. pp. 127-130.]

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**265.** Ellis Lightwood and others to the Lords Proprietors Providence. of the Bahama Islands. The unparalleled villainyes of your Lordships' late Governor Haskett have been so intolerably oppressive beyond all expression that for the preservatio of our lives and fortunes, we were forced to suppress him, of which we gave your Lordships an account by the vessel hired by the country to carry him home to England to answer the sundry barbarous crimes we have to allege against him, which vessel we have had lately an accompt that in the proceeding of their voyage putting into New York he thereby bribing of the Master or sailors made his escape. We hope your Lordships have so much

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honour and respect for H.M. poor subjects and your Lordships' tenants here, that you will please no ways to countenance such arbitrary proceedings. We have in this interim of affairs elected a President, the Council still the same. *Signed*, Ellis Lightwood, President, Richard Peterson (Bathe), Richard Taliaferro (Craven), Tho. Gower (Ashley). Representatives:—Read Elding, George Graham, Nicholas David, Thomas Williams, John Warren, Speaker of the Assembly. *Mem.* The declaration at the Country's election of Ellis Lightwood for their President was signed by 118 hands. The Articles exhibited against Capt. Haskett were of four and twenty heads. [C.O. 5, 289. p. 107.]

March 28. 266. Minutes of Council of New Hampshire. Proclamation ordered proroguing the Assembly till the second Tuesday in May. Ordered that all scouting, ordered March 4, be left off. [C.O. 5, 789. pp. 83, 279.]

March 30. 267. Governor Selwyn to the Council of Trade and Plantations. *Refers to letter of Feb. 9 [6th, Ed.]*. I have visited all the most dangerous landing places, in some of which fortifications will be necessary, particularly Port Morant, Old Harbour, Carlile Bay, Muskito Point, and some addition at Port Royal. I have also reviewed all the Militia, except those who are too remote and so dispersed as to be useless on any sudden occasion. On March 17 our Assembly met. I recommended to them what I thought most wanting, all which they have taken into consideration, and approve of my demands, resolving to comply according to their abilities. They have already voted an Address of thanks to H.M. for his care and kindness. We have past an Act for quartering the soldiers till further provision can be made, and another to revive the additional duty, which they let expire during the last Sessions. They talk of a poll upon negroes. I am in hopes self-preservation will continue this good humour, and that the pains I have taken to heal and reconcile their ancient animosities between the Council and Assembly will have a good effect, and that nothing will be wanting on their sides or mine for their preservation, but I will never answer for such a number of people any further then depends on myself, tho' at the conclusion of the Sessions, I hope to give you a good account of their proceedings. In the meantime I shall have my hands full of business of all sorts, with a people very capricious, jealous, and difficult to manage. The Island is at present sickly, but the mortality reigns chiefly over the new-comers, who are very subject to that mortal distemper called the bleeding fever, of which many that came with me are dead. My whole family has been sick, myself excepted, some are dead, my wife and a third part of my servants are now ill, in short, here is so little pleasure or profit, that I begin to ——.

*Subscribed*, So far H.E. had went in his letter, when he found himself indisposed, which raised itself to that height that at 4 o'clock next morning he was in such violent pain that he could not finish your letter, and on Easter Day, April 5, about 8 at

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night he departed this life, to a general sorrow of the whole Island. He had taken a great deal of care and pains to reconcile their animosities, which they are now like to renew, the Lieut.-Governor being a person generally disliked, and one of those Gentlemen the Assembly has a hard opinion of. The Assembly are adjourned to Tuesday next. *Signed*, Tho. Frye. *Endorsed*, Reed. 15th, Read June 16, 1702. 2 pp. *Enclosed*,

267 i. Copy of the Address of Governor Selwyn to the Assembly of Jamaica. I have called you together with all the dispatch I could, and I hope to find every man in a temper suitable to the necessity of your affairs. I need not tell you the state of the Revenue, referring that to your inspection, but I am sorry for your own sakes it is so far lessened at a time when your defence requires it should be much greater than ever. The main business I have to recommend to you is the care of yourselves and those Gentlemen who are sent [to] defend you, I mean building fortifications and barracks, on these two points I shall be always ready to advise with you, the matters and method being of too large an extent for a Speech, and likewise whatever else you shall think for the service of the King and Country; only must desire your immediate application to the former, least the vigilance of our enemies force us to our arms, whilst you are deliberating upon a Law. With advice of the Admiral and Council, I have taken two vessels for fireships, which account shall be laid before you, wherein you will see how much care has been taken to make the charge easy to the Country. I have reviewed the greatest part of your Regiments and Troops, who I find are generally good men, but I hope you will take my advice in some amendments to the Militia Act. It may be expected I should say something as to your Civil Rights. I will therefore unveil myself so that every man may see what he is to expect from me; when any real grievances are duly represented, I shall readily concur with you in redressing them, but hope no imaginary ones will disturb the publick peace or business. Liberty and Property I know is the foundation and blessing of our Constitution, and I would no more invade either than I would sacrifice my son, nor will I lessen the King's Prerogative any more than I would betray my Father. And whenever his service or defence of this country requires it, am ready to expose myself to any fatigue and danger. It was in perfect obedience to H.M. command that I came hither, whose goodness to you and care of you was my greatest encouragement, the particulars of which being too many to enumerate, shall be laid before you, and during my stay here Justice in all things shall be my rule, and at my return H.M. gracious acceptance of my small service will be at least an honorable reward for the

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hazards of this climate. In the meantime I shall expect a just deference to my authority, and as much consideration in every point as has been shewn to any of my predecessors. I desire you will without any loss of time heartily apply yourselves to the publick business, that we may have a short and a happy sessions.  $1\frac{1}{2}$  pp.

267. ii. Memorandum of two Acts of Jamaica passed March 17, 170 $\frac{1}{2}$ . [C.O. 137, 5. Nos. 62, 62.i., ii.; and (duplicates of Letter and enclosure I.) 63, 63.i; and (without enclosures) 138, 10. pp. 333-336.]

March 30. 268. Minutes of Council of New York. Petition of Abraham Gouverneur, Robert Sanders, Robert Walters, Isaac Gouverneur, and Abraham Provoost, read, praying a license to purchase from the Indians a parcel of land in Ulster County called Wiesasack, lying to the Southward of Wayanaglanock to the westward of Westenhook Creek. Ordered accordingly, provided the same be made before a J.P. of the County, and returned in Council within 12 months.

Proclamation ordered to be prepared, declaring that such person who within eight days shall discover the person or persons who cut down the gallows in the City, shall have a reward of 60 pieces of eight, and if any person or persons, free or slave, who have been employed by any other person or persons to cut down the said gallows, shall within eight days discover the person or persons who employed him or them to do the same, shall have and receive not only the said 60 pieces of eight, but shall not be prosecuted for his or their offence. [C.O. 5, 1184. pp. 636, 637.]

March 31. 269. Col. Quary to the Council of Trade and Plantations. Mr. John Moore hath served as advocate of the Admiralty very faithfully, for about four years. Governor Nicholson prevailed with him to execute that office and promised a suteable reward, but as yet he hath not received any consideration, but hath lost very considerably. This makes him uneasy and resolved to quit it, which will be a great inconveniency to Her Majesty's interest in that Province, there being no other person there qualified to serve in that station. An Attorney General is sent lately to New York, and there is a necessity of having one in Pennsilvania, for there are several Bonds that are forfeited to her Majesty, and cannot be put in suit for want of an Attorney General; the people under that Government are positive in this notion, that no other person can sue in H.M. name. I therefore humbly propose that your Honors recommend Mr. Moore to H.M., that he may be commissioned to be Attorney General of Pennsilvania, the Jerseys and the three Lower Countys, with a suitable salary. *Signed, Robt. Quary. Endorsed, Recd. Read March 31, 1702.* 1 p. [C.O. 5, 1261. No. 59; and 5, 1289. pp. 399, 400.]

March 31. 270. Address of the Representatives of the three Lower Counties [of Pennsylvania] to the Council of Trade and Plantations. Philadelphia, Oct. 25, 1701. For many years past we

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have been advantageous to the Crown and Trade of England in our product, which is chiefly tobaccoes. But being the frontiers of this Government and dayly threatened with a war approaching causeth us consider the danger impending, and thereupon have made many applications to our Governor for some means of defence since his last arrival, but he has either answered with silence, or ineffectual discours, which we charitably attribute to his perswasion. Col. Robt. Quarry, by whom we send these lynes, is a Gentleman very well acquainted with the present circumstances both of this Province and Territories. He will relate to your Honours what is necessary. We beg such credit may be given to him as may answer our wants and H.M. interest in these parts. *Signed*, Jasper Yeats, Richd. Halliwell, John Walker, Jno. Donaldson, Luke Wattson, junr., Will. Rodeney, John Brinckloe, Adam Pietersen. *Endorsed*, Reed. Read March 31, 1702. Reed. from Col. Quary. 1 p. [C.O. 5, 1261. No. 60; and 5, 1289. p. 396.]

[March 31.] **271.** Minister and Vestry of Christ Church in Philadelphia to the Council of Trade and Plantations. We have often addressed your Lordships in the behalf of our Church, but have great reason to believe there has been endeavours made to intercept our letters. We beseech your Honours to let us tell you the apprehension which we are under by Mr. Pen's return, with design to obstruct the Bill for reuniting Charter Governments to the Crown. His friends the Quakers largely contributed thereto under the assurances he has given them of keeping the Priests out of his Province, and the Magistracy and Government in their hands, and they have addressed H.M. to that effect. We could enumerate as many absurdities committed since his arrival as would fill sheets, but that you may guess at Hercules by his foot, we shall lay down three remarkable, viz., in April, 1700, he commissioned Provincial and Circular Judges for the trial of capital crimes, and they coming into the County of Bucks found one committed for bestiality with a mare, and in order to enquire into the fact, the Clark proceeded to tender the Grand Jurymen their oaths (two of the Judges then not being Quakers) but they obstinately refused taking any oath, and declaring they were exempted by the Laws of their Government, and they would not lose their priviledges, wch. obstructed their procedure in a due and legal manner, and the criminal got off from hence. They continued their circuit to Newcastle County, and found a woman committed for murthering her bastard child, and an indictment accordingly against her: upon her arraignment she was found guilty. She had those convictions of conscience that she became her own accuser and discovered it to her neighbours, and carried the Coroner and his Inquest where the corps lay, and helped to dig it up herself, and now what remains but execution, wch. is still undone, for the woman is at large, whether the King or Mr. Pen pardoned her, is wt. is fit to be inspected. The son of an eminent Quaker was committed in this County for a notorious rape on his servant mayde. He lay some time in gaol for want

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of Judges (for indeed things have been so managed that no man of sense will serve), and the Governor and Council interposed so far in his favour, that they ordered him out upon bail, but instead of taking a recognisance to answer the fact, one of the Quaker Judges took a bond in Mr. Pen's name for the prisoner's appearance at the Provincial Court (wch. are restricted by their Commission only to seven Capital crimes) to answer a certain misdemeanour, without binding any to prosecute or the witnesses to give evidence. When the miscreant was called, his father (his bail) appeared and made frivolous excuses for his son's absence, and after many shuffles he told them he hoped the Law would be their guide, or to that effect, which put the Court on inspecting the bond, conditioned to answer a misdemeanour as abovesaid, and they soon found the trick and that they had nothing to do in the affair, nothing of that nature lying properly before them, and by this stratagem the fellow was worked out of gaol and the Government too, unpunished. This was in September last. Whether this was a contrivance from first to last, your Lordships will soon determine. We cannot send extracts (*of these cases*), the offices being under the Governor's power, but if ever the records of this country be narrowly searched and scanned, 'twill furnish a history that will surfeit the world of the Quaker tenents (*sic*) and practice. And now may we not with good grounds implore H.M. to take us into his more immediate protection, which we beg your Lordships to be suiters for in our behalf. *Signed*, Evan Evans, Minister of Philadelphia; John Thomas, Cler.; Saml. Holt, Charles Sober, Wardens; Robt. Quary, Joshua Carpenter, J. Moore, Wm. Halle, Edward Smout, Jno. Crapp, Thomas Tench. *Endorsed as preceding*. 3 pp. *Worn*. [C.O. 5, 1261. No. 61.]

[March 31.] **272.** (a) Affidavit of Edmond Lovett and Walter Pumphrey. We of the Jury to try the case of Francis White *v.* James Allman, did, after several hours' debate, being not like to agree, there being seven for the Plaintiff and five for the Defendant, by the pernicious advice of Anthony Burton, one of the Jury, make a conclusion to try the matter by a piece of money, one side we assigned for the Plaintiff and the other for the Defendant, and the Constable took it and shaked it in a hatt and clapt it upon the table, and that side which fell uppermost being for the Defendant, we went in with one verdict, which hath been a great trouble to our consciences. *Signed*, Edmond Lovett, Walter Pumphrey. *Copy*.  $\frac{1}{3}$  p.

(b) Similar affidavit of Edmond Lovett, and James Moon, Bucks. At a Court of Quarter Sessions, March 14, 1698, "We did conclude to go to huste-capp for a verdict." *Signed*, Edmond Lovett, James Moon, his mark, two of the Jurors. *Copy*.  $\frac{2}{3}$  p. *The whole endorsed as preceding*. [C.O. 5, 1261. No. 62.]

[March 31.] **273.** Copy of Petition of Inhabitants of Newcastle to Lt.-Gov. Markham [1669] relating to defence against pirates.

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*Duplicate of Cal. A. & W.I., 1699, No. 877.i. (1). Endorsed as preceding. 1½ pp. [C.O. 5, 1261. No. 63.]*

[March 31.] **274.** Copy of two depositions, about July, 1699, as to Pirates landing some goods in Delaware Bay. *Duplicate of Cal. A. & W.I., 1699, No. 877.i. Endorsed as preceding. 1½ pp. [C.O. 5, 1261. No. 64.]*

[March 31.] **275.** Copy of the Address of the Representatives of the Three Lower Counties to William Penn, Proprietor and Governor of Pennsilvania and Counties annexed. Having taken into due consideration H.M. Letter to your Honour requiring from Pennsilvania 350*l.* 6*s.* for fortifications at the frontier of New York, together with your Honour's Speech relating thereto, with all duty, faithfulness and loyalty to His Majesty [we] desire your Honour to represent to H.M. the naked and weak condition of the said Counties, as we are the frontier of the aforesaid Province, and daily threatened with an approaching war, not being able to furnish ourselves with arms or ammunition for our defence, having consumed our small stocks in making tobacco, which has proved very advantageous to England, and that H.M. has not yet been pleased to take notice of us in the way of protection, having neither standing militia nor persons impowered to command the people in case of an invasion, wh. together with the great loss we sustain this year in our Tobaccoes, not having vessels to carry it away. These things we hope by your Honour's influence will incite H.M. to take into consideration our present circumstances, and not require any contributions from us for forts abroad before we are able to build any for our defence at home. *Signed, Richard Halliwell, Robert French, Jasper Yeates, John Healy, John Brinckloe, John Hill, Luke Watson, jr. Endorsed as preceding. 1 p. [C.O. 5, 1261. No. 65.]*

[March 31.] **276.** Duplicate of preceding. (Apparently a rough draft.) *Without endorsement. 1¼ pp. [C.O. 5, 1261. No. 66.]*

[March 31.] **277.** Address of the Representatives of the Three Lower Counties [adjoining Pennsylvania] to Mr. Penn, Philadelphia, Oct. 18, 1701. With great reluctance we lay before yr. Honour ye burthen those Counties have laboured under by attending no less than five Assemblies since your last arrival at the expense of above 600*l.*, besides the funds raised for support of Govourment. We cannot but with grief observe that instead of rea*ing* the designed security by the Laws past at Newcastle, wee find the most essential have not yet be[en] sent for H.M. allowance or approbation, especially such as nearest concern us and our estates, viz. the Acts for qualification of magistrates and juries, and those for establishing property and raising money, the reasons whereof we are yet to seek.

The powers of Govourment of the Lower Counties by your Honour being, as we are informed, under debate at home, and questioned by some here, we thought ourselves concerned to

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address your Honour in so important a poynt, and therefore did it by desiring a sight of your deeds of feofment, but instead of your usual healing and condescending way, we met with the threats of a goal without bail till the King's pleasure was known, your Honour's return or deliverance by the mobb (in case we had not then been in Assembly), which we took to be harsh language, having not presumed to examine the requisite qualifications of your Honour as Governor by the late Act of Parliament, we are likewise under a necessity to lay before yr. Honour the danger the Secretary of State cautions these Colonies off (as we apprehend from the French Squadrons now in the West Indies) if the warr break out, and we have reason to fear will fall on us naked and defenceless, being without militia, fort, powder or shot, though we are the frontiers of the River and heart of the Maine, where the enemy may land without bloodshed ; and, as we have heretofore alleadged, not unvaluable to the Crown of England in the product of our Tobaccoes. On this head we have made application to your Honour several times, therefore say less at present. Notwithstanding these difficulties, and many more, we have been willing for the public good and peace to join with the Members of the Upper Counties in anything that might conduce thereto. But the House now requiring us to confirm the Laws so solemnly passed at Newcastle, gives us ground to believe they suspect their validity in being made there, and awakens us to review what we have been doing so many years past, and besides our reasons given in the House against this Act, doe conclude, before we make further progress therein, to go home to our Counties, and consult with them what steps are proper in that affair. *Signed, Kent* :—John Brinkloe, Will. Rodeney, John Walker, William Morton. *Newcastle* :—Richard Halliwell, John Donaldson, Adam Pietersen, Jasper Yeates. *Sussex* :—Luke Wattson, jr. *No endorsement.*  $2\frac{1}{4}$  pp. [C.O. 5, 1261. No. 67.]

[March 31.] **278.** Copy of preceding. *Endorsed*, Reed. Read March 31, 1702. Reed. from Col. Quary.  $1\frac{1}{3}$  pp. [C.O. 5, 1261. No. 68.]

[March 31.] **279.** Memorandum of printed abridgment of the Laws of Pennsylvania, past in Nov., 1700. *Endorsed as preceding.*  $\frac{1}{2}$  p. [C.O. 5, 1261. No. 69.]

[March] 31. **280.** Case of Thomas Byfield of London. John King, late of Philadelphia, mariner, dying indebted to said Byfield in 343*l.*, Pennsylvania money, the latter by letter of Attorney, Oct. 15, 1698, empowered Col. Quary to sue the executrix, who having brought the cause of a hearing, a jury who were neither sworn nor made their solemn affirmation, altho' Byfield had an account of sales proving his debt under King's writing, yet brought in their verdict in favour of the Defendant. From which sentence Byfield hath by his said Attorney used his utmost endeavour to appeal to England, but hitherto hath been continually delayed, and not able to get such his appeal allowed. *No signature.*

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*Endorsed*, Recd. Read 31st [sic] 1702. Recd. from Col. Quary.  
[C.O. 5, 1261. No. 70.]

March 31. **281.** Deposition of Robert Dale, Feb. 13, 1709. He was Mate of the *Deare* sloop, Goufrey Bunnion Master, in a voyage from Philadelphia to Curisaw about the middle of July last, loaden with flour, bread and beer, which were sold there and 18 bales of linnen taken in, which he believes to be Holland, 4 hhds. of claret, 18 bags of coco nuts, and a considerable quantity of iron. All which goods were imported into this Bay, and put on board a small sloop which met them near Cape May, Oct. last. He since heard that the said goods were brought up to Philadelphia and landed at Mr. Perry's Wharf. *Signed*, Robert Dale. *Endorsed as No. 278. 1/2 p.* [C.O. 5, 1261. No. 71.]

March 31. **282.** Journal of Council of Trade and Plantations. The Whitehall. Lord Grey acquainted the Board that having perused a copy of Mr. Fullerton's reply to the Council of Barbadoes' answer to Mr. Skene's memorial, he found nothing new therein, and therefore referred their Lordships to the said answer.

Mr. Byrd presented to the Board an Order of Council, March 26, referring an Address of the Council and Burgesses of Virginia to their Lordships. Directions given for preparing a Representation thereupon.

Col. Quary attending as desired, the paragraph in Col. Nicholson's letter relating to the purchase of North Carolina was read, upon which he said that the Governor meant only so much of that Province as Dr. Cox lays claim to, and as to what he writes about erecting a Company for managing a Trade with Indians, he said it would be of very great advantage, but that the Governor has not power to do it, and that it cannot be done there, but by the Assembly, which he believes they will consent to, most of them being private Traders; yet if it were done by a patent from the Queen, he said the country would like it. He added that it would be very much for the interest of England that such Companies were settled in all the Provinces on the Continent, and promised to bring a particular memorial thereupon. Then Col. Quary's memorial and other papers presented by him were read [see preceding]. Ordered that what relates to Pennsylvania be abstracted in order to the sending the same to Mr. Penn for his answer. Directions were given for preparing a Representation upon the said papers to be laid before H.M.

Col. Quary further presented a memorial proposing that Mr. John Moor, who hath served four years as Advocate of the Admiralty of Pennsylvania, may have a Commission to be H.M. Attorney General in that Province, which was read. He further offered in his own behalf that he has served a long time as Judge of the Admiralty, has been at great expences in his voyages to and from England, and in pursuing and seizing pirates and other ways in the execution of his Commission, and has not as yet any salary or received any recompence. Their Lordships agreed to

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lay the case before Her Majesty. [C.O. 391, 14. pp. 387-393 ; and 391, 96. No. 55.]

March 31. **283.** Minutes of Council in Assembly of Barbados. Ordered that the Secretary lay all the Council Books and Acts upon the Council Table at the several meetings before the Board is sate.

The Hon. John Hooker being appointed Chief Baron of the Court of Exchequer, it was objected that he, being the Chief Judge of the Court of Common Pleas for the precincts of St. James, could not be qualified to execute both Commissions. Ordered that the Attorney and Solicitor General give their opinions.

Alexander Lamplee paid 36*l.* 7*s.* 6*d.* for timber for the Leeward fortifications.

Ordered that all petitions and writs of error that lie before the Council be heard on April 9.

25*l.* paid to George Chowne in full of his claim for the hire of the sloop *Thomas and John*.

An Act for the encouragement of the return of such servants as have absented themselves from their Masters' service by unlawfully going off this Island, was read three times, passed, consented to and sent down.

The Assembly, in response to the Board's invitation to them to attend in the conference they had proposed, announced that there were not members enough to make a House and that they had accordingly adjourned. [C.O. 31, 6. pp. 186-189.]

March 31. **284.** Journal of Assembly of Barbados. Absent members fined, and not enough appearing to make a House, the Assembly adjourned till April 14. [C.O. 31, 6. p. 461.]

April 1. **285.** Mr. Secretary Vernon to the Lords Commissioners of Whitehall. Her Majesty commands me to send your Lordships the enclosed copy of an Address of the House of Commons, and to acquaint you with H.M. pleasure that care be taken that no part of the said Duty be diverted to any other uses but such as are express in the said Address, and that the necessary directions be given that an annual account, how the said dutyes shall have been expended, be prepared in order to be laid from time to time before the House of Commons. *Signed*, Ja. Vernon. *Endorsed*, Read April 14, 1702. 1 *p.* *Enclosed*,

285. i. Order of House of Commons, March 23, 1701 (1702). That an humble Address be presented to H.M. that the duty or impost of 4*1*/*2* per cent. arising in Barbadoes and the Leeward Islands, subject to an annuity payable to the Heirs and Assignes of the Earl of Kinoule, be applied for the repairing and erecting such fortifications and other publick uses for the safety of the said Islands, as H.M. shall direct ; and that an annual account, how the said dutyes shall have been expended, may be laid before the House of Commons.  $\frac{3}{4}$  *p.* [C.O. 28, 6. Nos. 47, 48.]

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April 1. **286.** Mr. Secretary Vernon to the Council of Trade and Plantations. Her Majesty commands me to send to your Lordships the enclosed Address of the House of Commons, whereupon it is H.M. pleasure that you should forthwith lay before H.M. what account you have from Barbados and the Leeward Islands of their condition in point of safety against an Enemy, as also what repairs or new works for defence seem to require the most immediate care, that orders may be given accordingly. *Signed, Ja. Vernon.* *Endorsed, Reed.* Read April 1, 1702. 1 p. *Enclosed,*

286.i. Address of House of Commons, March 23, 1701 (1702).

*Duplicate of No. 285.i. [C.O. 28, 6. Nos. 49, 49.i.; and 29, 7. pp. 489, 490.]*

April 1. **287.** Memorandum of preceding letter.  $\frac{1}{4}$  p. [C.O. 152, 4. No. 87.]

April 1. **288.** J. Thurston to William Popple. I think it my duty to remind you of a mistake, which hapned the last year with relation to the provisions then sent to Newfoundland, that it may be now prevented, and the mistake accounted for by the Officer in charge, if the Board sees fit. The mistake was three men's provisions. Now that H.M. has thought fit to add a chirurgeon's mate to the establishment, the provisions for two men are only to be less'ned in the last year's quantity. You will be pleased also to move the Board to take into consideration to whom the money and provisions are to be consigned, and some particular orders given that no embezlement be made of the provisions sent over to the detriment of the soldier, the officers lately come from thence having given out that the Captain sold the malt to the inhabitants and made the soldiers content themselves with drinck made of the leaves of trees. *Signed, J. Thurston.* *Endorsed, Reed.* Read April 8, 1702. 1 p. [C.O. 194, 2. No. 64; and 195, 3. pp. 63, 64.]

April 1. **289.** Journal of Council of Trade and Plantations. Letter from Mr. Secretary Vernon, April 1, read. Ordered that the Agents of Barbadoes attend to-morrow.

Progress made in the consideration of the state of defence of the Plantations.

April 2. Letter to the Lords Proprietors of Carolina signed.

Letter from Lt.-Gov. Bennet, Jan. 31, read.

Ordered that Col. Quary be desired to bring to the Board on Tuesday the Representation of the people of the Bahama Islands against their late Governor.

Letter to Mr. Penn ordered.

Representation upon some Acts of Barbadoes ordered.

The Agents of Barbadoes, attending, were acquainted with the purport of Mr. Secretary Vernon's letter, and they promised to bring what they had to offer in writing on Saturday. Ordered that an extract of that letter be sent to Mr. Cary, and that he be desired to bring in writing on Saturday what he may have to offer

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thereon with relation to the Leeward Islands. [C.O. 391, 14. pp. 393-397; and 391, 96. Nos. 56, 57.]

April 2.  
Whitehall.

**290.** William Popple, junior, to William Penn. The Council of Trade and Plantations having received divers papers from Colonel Quary and others, which relate to your Government of Pennsylvania, and particularly the three Lower Counties; they would not proceed thereupon without first giving you such information thereof as may be proper, and receiving your answer; to which end they desire that you would attend them at their Board so soon as possible, they being to meet on Tuesday next in the morning. [C.O. 5, 1289. p. 402.]

April 2.  
Whitehall.

**291.** Council of Trade and Plantations to the Lords Proprietors of Carolina. The subject of our letter to your Lordshippes of the 19th of February last relating to the Act past in Carolina *for the better regulating the proceedings of the Court of Admiralty there and the fees of the same*, appearing to us of such consequence as to require a report thereon to be made to Her Majesty, we remind your Lordships that we should be willing to receive your answer before we make our said report. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 5, 1289. p. 401; and 5, 289. p. 90.]

April 2.

**292.** Minutes of Council of New York. Various salaries paid. 64*l.* 12*s.* 9*d.* paid to Col. Abraham Depeyster for wine found and provided by him for the Governor's expedition to Albany.

172*l.* 9*s.* 8*1/2d.* paid to John Depeyster for firewood provided by him for H.M. Fort William Henry in New York.

2*l.* 15*s.* 8*d.* paid to Garrit Viele for running of 1861*lb.* of lead into small bars for presents for the Indians.

15*l.* 8*s.* paid to Jonathan Davis for sweeping the chimneys in Fort William Henry, Dec. 26, 1700—Feb. 4, 1701.

19*l.* 6*s.* 6*d.* paid to John Sharp by consent of John Perry, carpenter, for work done by him in H.M. Fort in New York.

48*l.* 14*s.* 3*d.* paid to John Depeyster, due to him on the foot of the account kept by him during his continuance in the office of Commissioner for managing the office of Collector and Receiver General.

Petition of Samuel Staats and others read. Ordered that Col. Caleb Heathcote be served with a copy, and appear before this Board, and give in his answer to the same on Thursday.

The Receiver General's account of incidents referred to a Committee. It is the opinion of this Board that Thomas Weaver, Solicitor General, hath effectually discharged his duty to H.M. in the prosecution of Col. Bayard and Alderman Hutchins for High Treason, which Sampson Shelton Broughton, Attorney General, hath wholly neglected. [C.O. 5, 1184. pp. 643, 644.]

April 2.  
Royal College  
of William  
and Mary.

**293.** Minutes of Council of Virginia. *Memorandum*, that the patent for Mr. Thacker signed by H.E., March 12, was for part of the land adjudged due to him by the General Assembly.

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There being no offer yet made for the cargo sent in for the French Refugees, ordered that notice be given the first day of the next General Court that the cargo will be exposed for public sale on Munday the first day of the said Court.

H.E. desired to know if the Committee for Revisall of the Laws could finish the same in this and next meeting, in which case it would be convenient to prorogue the Assembly till the latter end of May.

H.E. recommended to the Committee for the Revisal of the Laws to take effectual care for the speedy conveyance of publick letters, as being absolutely necessary, and more especially in case of war.

H.E. acquainted the Council that, having been present at the musters of several Counties, he had observed the ill condition of the Militia, both as to discipline and arms, and that now, upon the apparent danger of a war, he thought it would be necessary (till some other wished [sic] were fallen upon) for the more effectual training and arming the Militia to compleate the number both of Field and Staff Officers in the several Counties where their are va[n]cancies, and whereas several of the smaller Counties are commanded by Lt. Cols., he thought it proper that the Commanders in Chief should be made Colonels and also that Lt. Cols. and Majors should be appointed in each of the said Counties, and asking the advice of the Council, they leave yt. matter wholly to H.E.

Capt. Moodie intimating that he had impressed 3 seamen from Col. Norsworthy's brigantine that morning arrived from Saltitudes, H.E. and Council considering that the impressing of three men from such a small vessel may be a great prejudice to their owners, who it's probable design to lade her out with tobacco, and may be thereby incapiciated [sic], ordered that Capt. Moodie release two of them, if Col. Norsworthey make application. [C.O. 5, 1409. pp. 207, 208.]

April 3.

**294.** Governor Codrington to the Council of Trade and Plantations. I have not any of your Lordships' to answer, not having had the honour to hear from your Lordships a greate while. I obliged myself in my last as I had done in some others to give your Lordships a particular account of our Judicature, but in good earnest, the more I think on that subject, the less able am I to say anything to it, for incertainty and confusion are nothing, of which noe account can be given. The reflections in the pamphlet called *Plantation Justice* are I fear generally too well grounded, but I think truly in respect of this Government 'tis more our misfortune than our fault. There is more ignorance than corruption amongst us, but however the effect is much the same, and I have seen verdicts, judgments, and indeed whole processes so very monstrous that I could not but at first suspect them to proceed from villany and bribery, when upon further examination I had reason to remaine satisfied they were the medley offspring of wrong principles, irregular methods and want of discernment. This might be easily prevented in Barbadoes,

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since there are commonly some good Lawyers, and always an Attorney and Solicitor General who can find out the Law for the Judges, when they can't find it out for themselves. And there are so many Gentlemen who have had the advantage of good education both at the Universities and Inns of Court that I cannot but think a set of men might be always found there to supply two Courts, which your Lordships will I presume think sufficient for an Island of 28 miles long and 13 broad. In our Islands wee are not yet so happy. The next generation, I hope, will be more accomplished. In the meantime I doe and shall continue to put the best men I can find both into military and civil places, and endeavor to infuse into them a spirit of honest ambition to qualify themselves for their imployes, and I humbly presume my endeavors have not been altogether without succes.

The Gentleman who will have the honour to wait on yr. Lordsp's. with this, is Mr. Yeomans, I had occasion to mention to your Lordsp's. in my letter relating to Major Martin. He has been long Chief Justice here, and indeed the only man in all our Islands that I know of qualified for such a post. He will be able to give your Lordships the best account that can bee had of our Courts of Justice, and by entering into the detail with him your Lordships will know all that is to bee knowne of them. He will satisfy your Lordships that what with extraordinary ignorance and laziness in our Judges, the want of knowledge and honesty in our Deputy Secretarys and Deputy Marshalls, and the perverseness and incapacity of our Jurys, whom we have no way of attainting, a thorough reformation is not to be effected without a great deal of pains and resolution. What I endeavour to introduce is a plain and summary practise equally degage [sic] from incertainty and disorder, on the one hand, and a useless nicety and chicane on the other. *The remainder of the letter is in Codrington's hand.* Quae inanissima prudentiae reperta sunt fraudis autem et stultitiae plenissima, nam cum permulta proclare legibus sunt constituta, ea jureconsultorum ingenii pleraque corrupta ac depravata sunt ; if this was true in Tully's days, 'tis much more flamingly so in ours. I'm sure, my Lords, I'm very sincere in all my designs for the public ; if I am not right, I should be heartily glad to be put in a better way. I therefore once again take leave to remind your Lordships of an Attorney General, who is extreamly wanted here for the King's service and my assistance in civil affairs.

M. de Château Renault has been for some time in our neighbourhood. We had reason to be on our guard and I believe I was not wanting in my duty on that occasion. I leave it to the Public to inform your Lordships into what a posture I have put our Militia here, even in 2 months' time since I have had a good Act to support me, and wh. I drew up myself at the request of the Assembly. This I find is not transcribed, but will be ready with some others to be sent your Lordships by the next ships. *Signed, Chr. Codrington. Endorsed, Recd. June 25, Read July 10, 1702. 3 pp. [C.O. 152, 4. No. 93; and 153, 7. pp. 468-472.]*

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April 4.  
Treasury  
Chambers.

**295.** Wm. Lowndes to Mr. Popple. *Refers to Mr. Vernon's letter with Address of April 1. My Lords of the Treasury transmit the same to the Council of Trade and Plantations for their opinion what they think proper to be done thereupon. Signed, Wm. Lowndes. Endorsed, Reed. Read April 15, 1702. 1 p. [C.O. 28, 6. No. 51; and 29, 7. pp. 505, 506.]*

April 4.

**296.** Agents of Barbados to the Council of Trade and Plantations. In obedience to your Lordships' commands we have considered the extract of a letter from Mr. Secretary Vernon April 1, and the better to enable us to lay before your Lordships what repairs or new works for the defence of the Island of Barbados seems to require the most immediate care, we have consulted the Right Hon. the Lord Grey and Colonel Kendall, who have been Governours there and have estates in the Island; and also other gentlemen who have been lately upon the place and are considerably interested in the safety of it. And upon the whole matter, we do humbly represent to your Lordships, that the present condition of the Island is such, that it will be most necessary that the duty of  $4\frac{1}{2}$  per cent, arising there may bee immediately applyed for the effectuall repairing the Fortifications that are already built under the direction and conduct of honest and skilfull persons, and also for the building an Hospitall for the reception and accomodation of sick and wounded seamen and soldiers, and a Magazeen for the better security of powder, and other ordnance stores, for as much as the place where the said stores are now kept is very inconvenient and unsafe, and is so scituated that it may easily be destroyed by an enemy's great shott or bombs, that may be thrown on shoar from ships in the Bay. *Signed, Wm. Bridges, Fran. Eyles, Rob. Heysham. Endorsed, Reed. Read April 4, 1702. 1 p. [C.O. 28, 6. No. 50; and 29, 7. pp. 490, 491.]*

April 4.  
Whitehall.

**297.** William Popple to the Agents of Barbados. The Lord Grey having lately upon his attendance with you at this Board represented that there was a want of small armes and ammunition in Barbados without specifying the particulars, the Lords Commissioners for Trade and Plantations have commanded me to desire you to return forthwith your opinion what quantity of such armes and ammunition are wanted. *[C.O. 29, 7. p. 492.]*

April 4.

**298.** Council of Trade and Plantations to the Queen. We humbly take leave to lay before your Majesty the Acts past in several General Assemblies held in Barbados, from the 18th May, 1697, to the 5th of November, 1700, upon which we have had the opinion of the late Attorney Generall in point of law, and having also perused and considered the same, we humbly offer to your Majesty such Acts as we conceive proper to receive your Majesty's royall confirmation. The titles whereof are as follow:—An Act to disable the Judges from pleading and practising in any of the Courts of this Island, May the 18th, 1697. An Act to repeal an Act entitled an Act for laying a duty on

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shipping for the building of peers, and clearing the barr in Carlisle Road, May the 18th, 1697. An Act appointing a Committee for settling the publick accompts of this Island, May the 18th, 1697. An Act to ascertain the duty of Masters of ships, and the Merchants, for the payment of an impost of powder on the tonnage, June 15, 1697. An Act to enable the Commissioners of the fortifications to make the new entrenchments, or other works of defence in any man's land; and that the owners of such land may be recompenced their damages out of the publick Treasury, Sept. 10, 1697. An Act for the settlement of the Militia, November 3, 1697. An Act to repeal a clause in an Act intituled an Act to ascertain the duty of Masters of ships and Merchants for the payment of an impost of powder on the tonnage, and a supplemental clause to the said Act, April 6, 1699. A supplemental Act for the further provision of white servants, May 18, 1699. An explanatory and additional Act to an Act entituled a Supplemental Act for the further provision of white servants, May 26, 1699. A further supplemental Act to the same Act, August the 2nd, 1699. An Act to procure the Honourable Thos. Sadlier, Esq., late Treasurer of Barbados, such debts as he has made good to the publick, 17 January, 1699. An Act for the equal placing out and disposing of such servants as are now belonging to the country and undisposed of, 27 February, 1699. An Act for raising a levy to discharge the publick debts, 27 February, 1699. A supplemental Act to an Act entituled an Act for raising a levy to discharge the publick debts, 8th of March, 1699. And whereas there is also an Act entituled *an Act for the better securing the liberty of H.M.'s subjects within this island and preventing long imprisonments*, which differs from the Act past here in the 31st year of Charles II, *for the better securing the liberty of the subject and for prevention of imprisonment beyond the seas* in the severall particulars following, vitz., Whereas in Barbados it is enacted, that persons committed for criminal matters (except in cases of treason and felony) may petition for a Writ of *Habeas Corpus*, and that the said Writ shall be granted within 48 hours after such application; in the English Act no time is limited for granting the said Writ. In Barbados the Provost Marshall is required within 12 hours after such Writ served on him (the prisoner paying his fees and giving security that he will not escape by the way) to make return of the Writ and prisoner before the Judge who granted out the Writ, and there to certify the true cause of the imprisonment. In the English Act the Writ is to be returned within three days after the service, if the party be anywhere within 20 miles of the place where the Court or Judge resides: but if beyond 20 miles, then ten days are allowed. In Barbadoes the Judge refusing a Writ of *Habeas Corpus*, on view of a copy of the Commitment or upon oath made that such copy was denied the prisoner; or delaying to discharge the prisoner after the grant of such a Writ, shall forfeit 500*l.* to the party agreived, to be recovered by action of debt. In the English Act there is 500*l.* penalty upon the refusall of the *Habeas Corpus*, but none upon the delay of discharging the

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prisoner after the grant of such Writ. In Barbados no Provost Marshall shall imprison any person above 12 hours, except by a Mittimus setting forth the cause thereof, on pain of 500*l.* to the party imprisoned. In the English Act there is no clause of this kind. In Barbados the Provost Marshall neglecting to returne the *Habeas Corpus* or refusing a copy of the Committment to the prisoner, is to forfeit 500*l.* In the English Act the penalty for the first offence of this kind is 100*l.* and for the second offence 200*l.* and the loss of his place. In Barbadoes, prisoners in cases of treason or felony not tryed the next Sessions after their commitment, or acquitted upon tryall, shall be bailed. The Judge neglecting to do his duty herein is to forfeit 500*l.* and the Provost Marshall neglecting his is likewise to forfeit 500*l.* and suffer 6 months imprisonment without bail or mainprize. In the English Act prisoners are to petition in open Court for a tryall. They are to be indicted the first Term or Sessions of Oyer and Terminer unless it appear upon oath that the King's witnesses could not be produced. But they are to be tryed the next Term or Sessions, or discharged, and Judges are to bail prisoners the last day of the Term, upon motion made in open Court. In Barbados, persons offending against this Act are to be impleaded within 3 years. In the English Court it is within 2 years. We thereupon humbly offer that in case your Majesty be pleased that an Act of this nature be passed, the state of these differences be given to your Majesty's Governor of Barbados, that he may accordingly represent the same to your Majesty's Councill there; but upon the whole matter, we humbly observe to your Majesty that no Act of that nature has been before transmitted from any of your Majesty's Plantations to your Royall Predecessors, and the late Attorney Generall, to whom we refer'd the same, doubting whether the approving such an Act may be convenient, we humbly submit the determination thereof to your Majesty. *Signed,* Stamford, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *Annexed,*

298. i. List of Acts of Barbados passed May 18-March, 1700.  
[C.O. 29, 7. pp. 493-505.]

April 4.  
Whitehall.

**299.** William Popple to Willlam Penn. The Council of Trade and Plantations have commanded me to acquaint you that they have with reason expected that since your arrivall from Pennsylvania you would have called upon them at their Board, in reference to the affairs of Pennsylvania and the three Lower Counties, and their Lordships having lately received divers complaints relating to the Laws, to the administration of justice, the militia and defence of those Provinces, to piracy incouraged and illegal trade practised there, and other irregularities, they have further commanded me to acquaint you herewith, and that they do expect your speedy attendance by yourself or Agent sufficiently empowered; it being necessary for her Majesty's service that they forthwith lay a Report of these matters and the state and security of those Provinces before H.M. in Councill, which they are unwilling to do, without first

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hearing you. Their Lordships therefore desire to know the precise time of your comming to town, that all things may be then ready. And I am further to acquaint you that immediately upon your coming to town you shall have copies of such papers as shall be requisite. [C.O. 5, 1289. pp. 403, 404.]

April 4. **300.** Journal of Council of Trade and Plantations. Representation upon some Acts of Barbadoes signed.  
Whitehall.

Letter to Mr. Penn sent.

Mr. Cary, attending, said that having no instructions from Col. Codrington, he had nothing to offer in relation to the defence of the Leeward Islands.

Memorial from the Agents of Barbadoes read. Letter writ to them [*as above*, April 4].

Progress made in considering the report to be made upon Mr. Secretary Vernon's letter of April 1. [C.O. 391, 14. pp. 397, 398; and 391, 96. No. 58.]

April 6. **301.** Charles Noden to the Council of Trade and Plantations. The Company of soldiers in Bermuda have had no money or subsistance but what Capt. Bennett, the Governor there, has been forced to supply them with, or they must have starved for six months past, nothing having been paid here till about a month since, which I have sent by way of Barbados. When it does arrive, it will not clear to the time of arrival. Besides it will lie hard upon the Governor still to subsist them till another return shall come thither, which time is uncertain. The people of that Island in all their letters to me express a great deal of joy and satisfaction in the justice and conduct of their Governor, and that he is the delight of the whole Island, and that they are much concerned that he should be discouraged by the smallness of the profits of their Government, for the utmost of the value to support the dignity and charge of their Governor is but 400*l.*, whereof 240*l.* is paid in England, out of which taxes of 5*s.* per lib. besides fees are to be deducted. The lands there allotted to the Governor are but 12 shares, valued at 60*l.* per annum, which fall short and are but nine shares. And the fishery there is valued to the Governor at 100*l.*, to make up in the whole 400*l.* per annum, which hath fallen very short for several years, so that the whole will fall far short of 300*l.*, which I humbly submit whether your Honours do think a sufficient support of the charge and dignity of H.M. Governor, besides the burden of advancing money for subsisting the soldiers. I would humbly represent that if a Company of 500 soldiers were given to the Governor, it would not only encourage him under that burthen of subsisting them, but would be some addition of profits, which might be done now new Regiments are raising here, by calling that Company one of the Companies of any new raised Regiment, etc. *Offers a vessel to sail for Bermuda at 100l. freight. Signed, Charles Noden. Endorsed, Recd. 15th, Read April 27, 1702. 1<sup>3</sup>/<sub>4</sub> pp. [C.O. 37, 3. No. 66; and 38, 5. pp. 207-210.]*

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April 6.

**302.** Minutes of Council of New York. Judgment of the Supreme Court in the case of *Cruger v. Depeyster* confirmed. Appeal to H.M. in Council granted. Mr. Atwood, for defendant, moved that the costs of the former appeals to H.M. in Council from the sentence of this Board may be paid to the Defendant. Referred till next Council Day. Whereas there are several matters depending in the Court of Exchequer, which cannot be finished by the time limited in the Ordinance for establishing Courts of Judicature, Ordinance ordered empowering and requiring the said Court to sit as near as may be according to the Court of Exchequer in England, until all cases are finally determined.

Information having been given that the Proclamation of March 10, having at Jamaica in Queen's County been affixed up for the Public view, these words have been subscribed thereto, next to the words 'God save the King' (and hang John Nanfan), the Council request his Honour to issue a Proclamation promising a reward of 200 pieces of  $\frac{8}{8}$  to such persons as shall discover within 14 days who hath done the same. Ordered accordingly. [C.O. 5, 1184. pp. 645, 646.]

April 6.

Fort  
Kijkoveral in  
River  
Essequebo.

**303.** Governor [*Commandeur*] Samuel Beeckman to the Dutch West India Company at Middelburg. *Signed*, Samuel Beeckman. 16 $\frac{3}{4}$  pp. Dutch. *Enclosed*,

303. i. List of papers sent by the *De Jonge Jan* to the Dutch West India Company. *Dutch*. 1 p.

303. ii. List of supplies required for the Colony in River Essequebo. *Dutch*. 10 pp.

303. iii. Muster-roll of all the Company's servants. 4 pp.

303. iv. Minutes of Council of Essequebo, Nov. 19 [N.S.], 1701. *Dutch*. 2 $\frac{1}{2}$  pp.

303. v. Minutes of Council of Essequebo, Oct. 29 [N.S.], 1701. *Dutch*. 2 $\frac{1}{4}$  pp.

303. vi. Minutes of Council of Essequebo, Nov. 19 [N.S.], 1701. *Dutch*. 1 $\frac{1}{2}$  pp.

303. vii. Minutes of Council of Essequebo, Oct. 18 [N.S.], 1701. *Dutch*. 2 $\frac{1}{2}$  pp.

303. viii. Minutes of Council of Essequebo, Jan. 2. [N.S.], 1702. *Dutch*. 5 $\frac{1}{4}$  pp.

303. ix. Regulation and Warning of the Court of Policy, Oct. 18 [N.S.], 1701. *Dutch*. 1 $\frac{1}{4}$  pp.

303. x. Minutes of Council of Essequebo, Jan. 21 [N.S.], 1702. *Dutch*. 3 pp.

303. xi. Minutes of Council of Essequebo, April 3 [N.S.], 1702. *Dutch*. 2 $\frac{3}{4}$  pp.

303. xii. Minutes of Council of Essequebo, Feb. 20 [N.S.], 1702. *Dutch*. 3 $\frac{1}{4}$  pp.

303. xiii. List of persons sailing in the *De Jonge Jan*. *Dutch*. 1 p.

303. xiv. Inventory of all the effects of the Dutch West India Co. under the charge of Samuel Beeckman, *Commandeur* of the Colony of Essequebo, etc., March 7 [N.S.], 1702. *Dutch*. 29 $\frac{1}{2}$  pp.

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303. xv. List of Medicines required for the Colony of Essequebo. *Dutch.* 2 pp.

303. xvi. Inventory of the cargo of the *De Jonge Jan*, consigned to the Dutch West India Company. *The shipment is given from each Plantation.* *Dutch.* 3½ pp.

303. xvii. Copy of petition of the Planters to Samuel Beeckman, Governor of Essequebo, and Council. *Dutch.* 1½ pp.

303. xviii. Petition of the inhabitants on behalf of Capt. William Wanton, to the Governor and Council of Essequebo. *Dutch.* 1½ pp.

303. xix. Will of Jan Dons, decd. *Dutch.* 2½ pp.

303. xx. Account of provisions imported from New York, Barbados, etc., Aug. 10 [N.S.], 1700. *Dutch.* 2 pp.

303. xxi. Certificate concerning the cargo of the *De Jonge Jan.* *Dutch.* ¾ p.

303. xxii. Extract from the Order of Council of Essequebo, Oct. 18 [N.S.], 1701, as to passports for departure. *Dutch.* 1 p. [See *British Guiana and Venezuela Boundary, No. 3 (1896).*]

303. xxiii. Sketch Plan for a Fort. 1 p.

303. xxiv. List of subscriptions for the Minister, Jodocus Bate, April 10 [N.S.], 1702. *Dutch.* 1 p.

303. xxv. Declaration of voluntary subscribers for the Minister, Jodocus Bate, Fort Kijkoveral, April 3 [N.S.], 1702. *Dutch.* ½ p. [C.O. 116, 19. Nos. 10, 10.i.-xxv.]

[April 7.]

**304.** Col. Quary to the Council of Trade and Plantations. Some heads for the erecting of Companies in order to the carrying on a Trade with the Indians, so as to make it an advantage and security to H.M. (1) That H.M. grant Letters Patents to a Joint Stock Company for the whole Trade for 21 years. The Company to be obliged to furnish such a number of fighting men as shall be thought necessary for the security of the Frontiers, who are to be well armed, etc. That the Government shall assign on the Frontiers, at such a distance from the settlement, and in such a place as they shall think most for their security, 200 acres for a place of cohabitation, in which shall be built a Fort and Storehouse. A certain number of men to reside there always, the rest to carry on the trade with the Indians with all the justice and kindness imaginable. No person concerned in the management of the Trade shall be liable to pay any county or parish levies and shall be exempted from all military commands, but what shall be settled amongst themselves. This will save the country the great charge of maintaining troops of Rangers on the Frontiers, but will in no ways answer the end unless Albany be well secured. *Signed,* Robt. Quary. *Endorsed,* Recd. April 7, 1702. 1 large p. [C.O. 323, 3. No. 121; and 324, 8. pp. 111-114.]

April 7.

**305.** Col. Quary to the Council of Trade and Plantations. Memorial on the behalf and by the Order of the Representatives of the Three Lower Counties adjoining to Pensilvania. The

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inhabitants of those Counties, being H.M. most faithful and loyal subjects, do most heartily and solemnly declare that on all occasions they are ready and willing to hazard their lives and fortunes, and all that is dear to them, in defence of H.M., against the pretended Prince of Wales, etc. Mr. Penn hath assumed and exercised all powers of legal Government in the Three Lower Counties for about 18 years by calling Assemblies, levying money, erecting Courts, which they humbly conceive could not be done but by a Commission under the Great Seal of England with Instructions to ascertain the rules, methods and limetts of the said power, none of all which Mr. Penn ere had, whereof they humbly desire your Lordships will examine Mr. Penn's power of Government over them. The inhabitants of the said County[s] by their labour in planting tobacco do very much advance H.M. Revenue. They are exposed to all the danger and misery imaginable from any enemy or pirate, being the frontier to Pennsylvania, and having neither Militia, arms, ammunition or any Military Commission, though they have often addressed themselves to Mr. Penn, yet hitherto without the least redress. They have lately felt the fatal effects of their being thus naked and defenceless, having been most barbarously robbed and plundered by pirates, not being able to defend themselves. Notwithstanding they are thus miserably exposed to all enemies by sea and the Indians by land, yet Mr. Penn hath lately received into his Government several Nations of strange Indians, some of those being supposed to have murdered many of H.M. subjects, wch. Indians are very well supplied with arms and ammunition, so that it is in their power to kill and destroy H.M. subjects when they please, the consideration of which gives a very great dread and terror to the inhabitants.

The inhabitants are exposed to all the miserys imaginable, their lives, liberties and properties being taken from them by the arbitrary will of persons not qualified by Law, neither the Judges, Jury nor evidence being under the obligation of an oath, or the affirmation allowed them here by Act of Parliament, and that which makes their condition the more deplorable is that they should enduer all this misery from the Quakers' arbitrary Government, when at the same time there are but very few Quakers in any of the Three Lower Counties.

I am instructed and empowered to implore your Lordships' favour in making such representation to H.M., as may induce her to take those three Counties into her immediate protection, so as they may be defended and protected from all H.M. enemies by sea, and also be freed and secured from the eminent danger they apprehend from the Indians, which will make them with cheerfulness to enjoy the fruits of their labour and industry and thereby augment H.M. Revenue. All that they have further to desire is that they may enjoy the same rights and liberties of English subjects which H.M. is graciously pleased to allow to all her subjects in the rest of Her Majesty's Plantations.

*Signed, Robt. Quary. Endorsed, Recd. April 7, 1702. 2 pp.*  
 [C.O. 5, 1261. No. 72; and 5, 1289. pp. 405-408.]

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[April 7.] **306.** Col. Quary to the Council of Trade and Plantations.

A scheme for the better regulating the Militia in America. (1) That the Militia in every Province do consist of all Freemen between 16 and 60, unless reasonable cause to the contrary shall be alledged. (2) That all persons coming into any province be obliged to list themselves in some one Company within six weeks after their arrival. (3) That the command of the Militia in every Province be given to such persons, who by H.M. Commission shall be fitly qualified. (4) That it be formed into independent companies of foot, or when it can be obtained, of troops of dragoons, armed as foot, which are the most useful forces for the defence of the country. (5) To prevent disputes, each Captain to take place in action or in exercising according to seniority. (6) In this distribution into dragoons or foot, the substance and ability of each Freeman to be considered, that the charge of defence may lie equally on the poor and rich. (7) The arms, etc., to be provided at the public expense and of uniform bore, etc. The officers in each troop or company to be answerable for them, and to see them brought clean, etc., every day of exercise, which ought to be once in three months or oftener. (8) That such persons as Quakers, or others that are conscientiously persuaded they ought not on any account whatsoever to use arms, which opinion shall be certified under their hands, shall be obliged to do equal duty on some public works of the Province, and furnish their quota agreeable to their estates for to be laid out for the providing arms, etc. (9) That no soldier when commanded on service in time of war be suffered to desert or to commit any action inconsistent with the strict rules of discipline, but during the time of war be subjected to the same rules and penalties as H.M. regulated forces; that printed Regulations be sent into the Plantations, and read at the head of every troop or company. (10) That in case any Colony be invaded either by sea or land, on application from the Governor, a detachment be immediately made for their assistance out of the Provinces contiguous to them of a tenth or fifth man out of each troop or company, as by the Governor and Council shall be judged necessary. (11) That the expenses any Province is at in the maintenance of forces to resist an enemy actually entered into their own or a neighbouring Province be paid out of a due quota collected out of all the Provinces contiguous to the invaded Province. (12) That an Act for these purposes be drawn into form and transmitted to be passed into a Law by the General Assembly of every Province, obliging to the duties mentioned, and ascertaining the penalties. And in case any of them should refuse to pass such a Law, that it be humbly represented to Parliament by an Act made here or otherwise to oblige them thereunto. *Signed*, Robt. Quary. *Endorsed*, Reed. April 7, 1702. 2 pp. [C.O. 323, 3. No. 122; and 324, 8. pp. 107-111.]

[April 7.] **307.** Inhabitants of the Bahama Islands to the Council of Trade and Plantations. The Humble and just Remonstrance of H.M. poor distressed subjects, late under the arbitrary and

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tyrannical Government of Elias Haskett, commissionated under the Lords Proprietors. Many and great have been the grievances and oppressions that we have groaned under from several former Governors for at least seven or eight years past, which with often and repeated supplications we have address'd the Lords Proprietors for relief therein, who have hitherto not so much as taken notice thereof, but on the contrary, our original petitions and complaints, signed under our hands, have been brought back by the succeeding Governors, who have made use thereof to punish the persons petitioning, to terrify others to do the like for the future, so that at present we are brought to that pass, that it is the greatest of crimes for the injured to complain. This is the absolute cause and occasion of our laying before your Lordships our present state under our late Governor (who hath not yet been six months amongst us), omitting all our former miseries, which would be too tedious to enumerate, but have been much of the same nature, all tending to the same end, vitz., self-interest of the Governors, to the destruction and ruin of the subject and country. *Annexed,*

307. i. A Breviate of sundry Articles shewing the absolute and necessary cause and reason of deposing and taking into custody Elias Haskett, late Governor of Providence, for his arbitrary and tyrannical Government, until H.M. and Lords Proprietors' pleasures be further known. (1) As the first and principall introduction to the well being and Christianlike living of the inhabitants in all Governments is the incouragement of the Church and Ministry, Elias Haskett hath on the contrary some small time after his arrival here denied the country to allow their Minister his constant salary (and to that purpose made void by his own power an Act appointed for the confirmation thereof) which salary was raised by a duty on liquors and sugars imported, and Haskett at his arrivall bringing a large quantity of both (the duty of which amounted to a considerable sum) was absolutely the cause and reason thereof, and hath so far proceeded to vilify the present Minister (a man of worth), threatening to have him whipt through the town, that by his means the Gospel hath not been preached, nor any Ministerial function exercised amongst us for some months past. (2) By his own arbitrary power and authority he hath illegally taxed, and imposed upon H.M. free-born subjects and inhabitants of this Government a considerable quantity of braziletto wood, the chief commodity of the country, to the value of three hundred and odd pounds, to be cut by men for his use as a present which he says ought to be given to him, but extorted from the *poor inhabitants*, denying them all trade or commerce whatsoever till it was done. (3) Such persons that would not conform to these unlawful and intollerable impositions, he immediately (upon denial thereof, on any sham pretence)

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puts into close prison and in irons, where they are so strictly confined that their nearest friends and relations are denied either sight or conversation with them. By which barbarous usage several persons have been forced for safety of their lives to ransome themselves by large sums of money, some 100*l.*, others 50*l.* and so proportionably to their abilities. And all this done, both imprisonment and discharge, without any manner of process whatsoever, but by his own verbal order. (4) He demands the  $\frac{1}{5}$ th of all braziletto wood cut for the use of the Lords Proprietors, contrary to all former Instructions given to any of their former Governors, as also the  $\frac{1}{6}$ th of Tortoise-shell, never before so much as demanded, or thought of, to the great discouragement of the inhabitants to seek or labour for those commodities. (5) His Commission and Instructions relating to the demanding of the aforesaid duties in the behalf of the Lords Proprietors being required by the Council to be perused and recorded, as usually heretofore done by all former Governors, was by him denied to be shewn or produced. (6) He imposes excessive port charges on all vessels trading hitherto, contrary to all Laws heretofore made, or now in being, both upon strangers and inhabitants, to the ruin and discouraging of all trade and commerce. (7) He denies and makes void all Acts heretofore made in the time of the late Deputy Governor. Yet on several occasions, where any Laws so made serves himself, he will allow of them. (8) Instead of calling an Assembly, for to enact new Lawes, or confirming of those heretofore made (which he calls illegal and void), he prevents all further meeting of an Assembly to regulate those matters, and prorogues, and dissolves at his own pleasure, and, when an Act against monopolizing was sent to him and Council for confirmation, he ordered it should not be read, but thrown from the Board, and immediately prorogues the Assembly for six months. (9) Whereas the principal business of all Governments is the keeping the Peace, and safety of H.M. subjects, he on the contrary with his own hands beat and abused several Masters of vessels trading to this part, for only asking whether there was an Act of the Country for the exorbitant fees imposed on them, which by their largeness was reasonable to be demanded. (10) He being modestly asked by some indifferent persons how such unreasonable fees, and several fines could be imposed contrary to Law, made a short but tyrannical reply, "There is no Law in your Country. What cannot I do?" (11) In a time of great scarcity for provisions, when the inhabitants were ready to starve, he monopolized a large quantity of corn and disposed of it to a Spanish and Portuguese ship, which was transported out of this

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Government, to the great oppression of the poor inhabitants, and did declare that if the said corn were not sold to himself, the owners should not have the disposal of it. And traded for a considerable value with the said ship. (12) He demands and receives from 6*l.* to 9*l.* for each licence to marry, and denies the banns of matrimony to be published in Church according to the Canons thereof. By which means the honest intentions of several poor people, who cannot comply with his unreasonable demands, may by such methods be (in a manner) forced to live disorderly and incontinent lives. (13) Notwithstanding H.M. Commissions granted to several persons here for the executing the offices of Vice-Admiral, Judges and other Officers of the Court of Admiralty, he hath constituted and appointed the said several officers by virtue of his own Commission, and in this, as well as in all other Courts of Judicature, acts by the same arbitrary power and authority, as by sundry examples of that nature are ready to be made appear. (14) To strike at the very root of trade, intelligence, commerce and all correspondence whatsoever betwixt merchants and all others, he from the very first intercepts all letters, accounts, bills of lading, and all other papers whatsoever, which he breakes open and detains as he thinks fit, and to that purpose imposes an unlawful oath on all Masters of vessels to declare and deliver to him all letters they either bring in or carry of the Government. (15) What little trade remains in the Government (which decreases by his several illegal impositions thereon) is all centered in himself, no person being suffered scarce to ask the price of a commodity imported, before he has refused to buy it. (16) To make appear the regard he has to H.M. Officers and interest in this Government, he most inhumanly beats and abuses H.M. Collector here, and orders him to be put in prison and irons and his boat to be sunk, whenever he went aboard of any vessel to execute his office. (17) After a seizure made of a parcel of claret and brandy brought from the French Port of Cape Francoi in Hispaniola, he orders it to be appraised by two persons by him appointed for that purpose at an inconsiderable value, and takes it all to himself, never suffering a public sale to be made thereof, as is usual in those cases, that H.M. might not be defrauded in his part of the true value. (18) In a small time after, he hires a vessel himself, and gives orders to the Commander and Company privately to cut a load of braziletto wood amongst some of the Islands of this Government, and the same to carry to the aforesaid French Port of Cape Francoi, and there to be disposed of, and returns made to him in alamode silks and other French goods and privately

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to be landed in this Island. And this sort of trading, so prejudicial to H.M. interest, breach of sundry Acts of Parliament, and particularly to his own oath taken as Governor, he had laid a foundation to be continued so long as the Master and Company so employed thought fit, and encouragement to all the men to bring what goods they pleased for themselves. (19) In the Courts of Common Pleas and other Courts of Judicature, established by the Laws of this Government consistent to the Laws of England, in those cases he hath imposed double fees for all procees and matters therein, and hath constituted one of his own servants Clerk of all the said Courts, and preposterously to act and plead as an Attorney, also therein denying any other. The whole profits of which intolerable and exorbitant fees by him so imposed, coming all to himself. By which means Right and Justice is bought and sold by him. (20) Whereas most of the inhabitants have, and constantly have had sundry parcels of brazilletto wood cut in several of the adjacent Islands, in order to bring to this Port for transportation, he hath often (and by many orders to that end to masters of vessels employed in his service) given Instructions to take and load the same for his own proper use, which can be no ways better termed than perfect robbery. (21) In all matters and proceedings of Government, he hath never so much as advised or consulted with his Council, which by his Instructions he ought to do, but by his own arbitrary power hath laid embargoes, put out Proclamations, and done several other acts and things, and made it a high crime for any to ask the reason thereof. (22) He hath taken up sundry persons on pretence and suspicion of piracy, and on which account made seizure and taken into custody all their effects, and after a hard and severe usage, and strict confinement in irons, and being sufficiently harassed, hath sent them private notice what sum of money should purchase their freedom, which accordingly when paid him, they have been discharged. (23) He by his private letters writ to some of his friends in England gives them this account, that he had not been in his Government quite two months, and yet had got 2,000*l.* and hoped by next spring to send home 10,000*l.* more, which he might well do by his forerecited illegal waies and methods, pursuant to which he often and openly declared he would not leave any one man in his Government worth 100*l.* before he had done with them. And by vilifying and defaming us, the inhabitants, to your Lordships, he supposes you would not hear any complaints against him. (24) And to put a fair gloss upon all these arbitrary and tyrannical ways, he appointed a General Muster, Sept. 25, 1701, and having designedly drawn off the most

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substantial and sensible persons of the country, orders a great quantity of liquor to be given to the remaining part of the poor ignorant people, who having plentifully drank and intoxicated themselves, a paper was produced to them to be signed in the name of the whole Country, the intent and meaning of which was not mentioned to them, but only told that there was no injury in it, but it was to the interest of the Government and refitting of the Fortifications, upon which about 20 or 30 illiterate persons signed it without further examination, but when afterwards examined and discovered, it was an Address to the Lords Proprietors, giving them thanks for making choice of so good a person as Elias Haskett for their Government, who corrected vice, encouraged virtue and trade, with several other high encomiums diametrically opposite to the rules and methods he has used.

We pray you will take into your serious consideration some speedy methods for our future safety and preservation, by representing this our condition to H.M. and Council or Parliament, that this Island of Providence may be defended from a foreign enemy, and its poor inhabitants protected in their lives and fortunes from such grievances, oppressions they have so lately suffered under, one great cause of which, we have just reason to suppose, was the unhappy arrival of Every here, together with the Dutch wreck, from both which the former Governour at that time having gained a considerable sum of money, which hath made so great a noise in the world that the succeeding Governors promising themselves the like success, and being frustrated therein, have betaken themselves to all illegal and irregular ways to ruin the inhabitants, to answer their ends, which hath caused one remark to be made in this new Settlement (never known in any other in America before) that for this seven years past there hath not come from any foreign part above three families to settle here, that have brought the value of 40*l.* with them, and for no other reason than the avaritiouslyness of our Governours, who have created a terror in those who have only come to take a view of our Country, with a design to have settled amongst us. *Signed*, Elias Lightwood, President elected for the time being, in behalf of the inhabitants in general. *Endorsed*, Recd. Read April 7, 1702. 10 pp. [C.O. 5, 1261. No. 73; and, 5, 1289. pp. 409-425.]

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**308.** Nicholas Trott to the Council of Trade and Plantations. The Lords Proprietors appointed Nicholas Trott to be Attorney General, and Advocate General of South Carolina, and Naval Officer of Carolina, Feb. 5, 1697. The latter appointment was approved by the Commissioners of Customs March 18, 1697.

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After tendering his Commissions and approbation to Governor Joseph Blake and Council, Trott was sworn Attorney General and Naval Officer of Carolina, but not Advocate General, the Governor and Council acquainting him that H.M. had taken the Admiralty Jurisdiction into his own immediate power, but that one Mr. Jonathan Amory was appointed Advocate General by the King's Commission under the Great Seal of the Admiralty. Whereupon Trott waived his claim. He entered upon his offices and fulfilled them to the satisfaction of the Commissioners of Customs for about six months. Upon the arrival of the *Cole and Been* galley in Carolina Dec. 6, 1699, Governor Blake writ a letter to Mr. Bellinger, whom he appointed Collector of H.M. Customs in Carolina (and continued in the said office till the *Cole and Been* was condemned, notwithstanding that Thomas Broughton was appointed Collector by deputation from the Commissioners of Customs in London), to seize the *Cole and Been* under pretence of her not having a Register in due form, and desired Bellinger to speak to Trott to prosecute her in the Court of Admiralty in Carolina as Advocate General, Mr. Amory, the King's Advocate being dead. Trott replied that, without he had a Commission from the King, he would not act as Advocate General, since the King had taken the Admiralty Jurisdiction into his own power, and withal gave his opinion to Bellinger that the *Cole and Been* ought not to be seized, for that her certificate from the Custom House at London was what was required by the Act for preventing frauds, etc., and that if it did not mention that it was pursuant to the said Act, it was only want of form. All that they could justly do was but to oblige them to give security to produce a register in better form. But the *Cole and Been* and her lading being worth several thousand pounds, Governor Blake was resolved to have her seized, he being sure of having her condemned in the Court of Admiralty, where Joseph Morton, his brother-in-law, sate sole Judge, and Mr. Bellinger, the Informer, was Deputy-Judge, by commission from Morton, and so had an influence upon him; and whom the better to encourage in the condemning of the ship, Mr. Blake and Mr. Bellinger allowed Judge Morton 136*l.* 15*s.* 6*d.* for his fees, whereas, if the vessel and her lading had been acquitted, he had had only such fees as was allowed by the Act of Assembly which were inconsiderable in comparison. Upon the trial, Trott being in Court as a spectator, seeing how unjustly Judge Morton proceeded, being resolved, right or wrong, to condemn the ship, Trott offered to move some things in favour of the owners, but the Judge would not hear him, and upon the condemnation, Trott urged that the owners ought to be allowed an appeal to England, which Judge Morton positively denied, for that, if the owners had been allowed an appeal, upon security given they might have their ship and goods, which they were resolved to share amongst them. Upon Trott's refusing to prosecute the *Cole and Been* as aforesaid, Governor Blake and Judge Morton and the rest of his Council on Jan. 20, <sup>1699</sup> <sub>1700</sub>, suspended him from the execution of his offices of Attorney General and Naval Officer of Carolina, and

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Trott making his application to the Lords Proprietors for relief, could never have any decision of his business, but is still kept out of the said offices, and the salary and perquisites thereof. Notwithstanding Trott was thus suspended, H.M. by Order in Council, Oct. 22, 1700, allowed the owners an Appeal, and on July 31, 1701, on hearing the appeal, the decree of the Court of Admiralty in Carolina was reversed by the Lords Justices in Council. And the denying of an appeal in that case is given into the House of Commons by the Council of Trade as one of the irregularities in the Government of Carolina for which the Proprietary ought to be dissolved. Which is certainly a sufficient justification of Trott in speaking in behalf of the owners, as above, when he was most unjustly suspended, for the reasons above, as will appear by their own order of suspension. The malice of Governor Blake and his Council did not cease there. Trott being retained on behalf of the Administratrix of the estate of Jonathan Armory [sic] in an action brought against her by Joseph Blake as Governor, Judge Morton and James Moore, whom Blake had made Chief Justice of the Court of Common Pleas, and others in behalf of the weal public of Carolina, James Moore would sit sole Judge of the cause, though one of the plaintiffs. Nicholas Trott gave in reasons in behalf of his client in arrest of judgment, one of them being that "Joseph Dudley, one of the plaintiffs in the declaration is styled Governor, when he hath no Commission for Governor of Carolina from the Lords Proprietors, neither is he allowed and approved of by H.M. according to the Act, and therefore cannot maintain an action as Governor." Whereupon Blake, Morton and Moore, all of them plaintiffs in the action, and Edmund Bellinger, on whose account the action was brought, did affirm that the giving the said reason by Trott was an Act seditious, a notorious breach of H.M. Peace, tending to the distraction and disturbance of the people and the alienation of their affection from H.M. and his Government here established, and ordered the Marshall to apprehend him and him in gaol to keep till he enter into recognizance with sufficient sureties to appear at the next Sessions, and in the meantime to be of the good behaviour, and James Moore, Judge of the Common Pleas, silenced Trott from pleading in the Courts. Which said Moore, since the death of Blake did assume the Government of Carolina, and he also still keeps the same without any Commission from the Lords or confirmation from the King, tho' there have been more than sufficient time for him to have obtained his confirmation in the said Government. *Signed*, Nicholas Trott. *Endorsed*, Recd. April 7, 1702. Recd. from Col. Quary. *2½ closely written pp.* [C.O. 5, 1261. No. 74.]

[? April 7.] **309.** Minute of Council of Carolina, Charles Town, Jan. 20, <sup>1699</sup><sub>1700</sub>; suspending Nicholas Trott from his offices of Attorney General and Naval Officer in Carolina, with a copy of the Governor's Instructions relating to suspension. *The grounds given are that* Edmund Bellinger said Trott promised to appear on behalf of H.M. at the trial of the *Cole and Bean* galley, but at

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the end of the trial said he would not appear for the King, and what discourse he made was in favour of the galley, though he did not appear for her.  $1\frac{1}{2}$  pp. [C.O. 5, 1261. No. 75.]

[? April 7.] **310.** Copies of the Order of Joseph Blake and Council to bind Nicholas Trott to his good behaviour, Aug. 17, 1700, and of his recognizance (*as described by Trott above*). 1 p. [C.O. 5, 1261. No. 76.]

[? April 7.] **311.** (1) Copies of appointments of Nicholas Trott to be Attorney General, Advocate General and Naval Officer of South Carolina, Feb. 5, 1697. *Signed*, Bath, Palatine, A. Ashley, Craven, Bath *for ye Lord Carteret*, Wm. Thornborough *for Sir Jon. Colleton*, Tho. Amy.

(2) Copy of approval of the Commissioners of Customs. Custom House, London, March 18, 1697. *Signed*, Walter Yonge, Sam. Clearke, Ben. Overton, Jo. Austen.

(3) Copy of Bond for Nicholas Trott's performance of his duty as Naval Officer. *Signed*, Nicholas Trott (? Senr.), John Trott, March 18, 1697.

(4) Commissioner of Customs to Nicholas Trott. *Acknowledging* receipt of lists of ships forwarded by Nicholas Trott. Custom House, London, Jan. 31, 1699. *Signed*, Sam. Clearke, Ben. Overton, Robert Hendley, Wm. St. Quintin. *Copy*. *The whole* 3 pp. [C.O. 5, 1261. No. 77.]

[April 7.] **312.** (1) Copy of Declaration of Claim of Governor Blake, Joseph Morton, James Moore and other Commissioners appointed for executing the Act for appropriating money for fortifying Charles Town *v.* Sarah Rhett; administratrix of Jonathan Armory, merchant, late Public Receiver, decd. 100*l.* due to Capt. Edmund Bellinger is claimed. July 20, 1700.

(2) Copy of Order of above Commissioners to Madam Sarah Rhett to pay Bellinger 100*l.* "in dollars at 5*s.* the dollar."

(3) Copy of the demurrer of Sarah Rhett, Aug. 15, 1700, that the Declaration of Plaintiffs' claim is not sufficient for them to maintain their action; and

(4) that James Moore, one of the Plaintiffs, cannot sit Judge in his own cause. *Signed*, Nicholas Trott, *pro* Defendant.

(5) Copy of Reply of above Commissioners that their Declaration of claim above is sufficient in Law for them to maintain their action. *Signed*, Henry Wigington, *pro* Defendants. *The whole*, 4 pp. [C.O. 5, 1261. No. 78.]

[? April 7.] **313.** Reasons offered by Sarah Rhett (*see preceding*) for arrest of judgment. (*See Memorial of N. Trott above.*) Aug. 17, 1700. *Signed*, Nicholas Trott for the Defendant. 2 pp. [C.O. 5, 1261. No. 79.]

[April 7.] **314.** Minutes of Council of Carolina, Sept. 11, 1700. James Moore elected Governor, objection being taken to the Landgraves, Morton (for accepting a Commission as Judge of the Admiralty

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from the King) and Bellinger (for accepting a Commission from Morton as Deputy Judge of the Admiralty). *Endorsed, Recd.* from Col. Quary. Recd. April 7, 1702. *Copy.* 2½ pp. [C.O. 5, 1261. No. 80.]

[April 7.] **315.** Copy of an Act prohibiting the importation of Tobaccoes from Carolina and other parts without the Capes into Virginia. *Endorsed, Recd.* April 7, 1702. 1½ pp. [C.O. 5, 1312. No. 31.]

April 7. **316.** Journal of Council of Trade and Plantations. Col. Whitehall. Quary attending presented several papers to the Board. Further progress made in the report upon Mr. Secretary Vernon's letter, April 1.

April 8. Memorial from Mr. Thurston, relating to a mistake in the provisions sent to Newfoundland last year, and to some abuses on the disposal of those provisions there, read. Ordered that he acquaint the Victuallers of the Navy of the mistake, and their Lordships what proof he has of those abuses.

Report on the state of defence of the Plantations further considered. Ordered that Col. Dudley be desired to inform the Board what orders have been given by H.M. or the late King in reference to New England, and what hath been done in execution of any such orders since his being appointed Governor.

Ordered that the Secretary send to Mr. Attorney General for the Acts of Pennsylvania that are in his hands and for an answer to the letter of Oct. 29 last.

April 9. Col. Dudley's reply read.

Letter to Mr. Burchet about Newfoundland provisions ordered. Mr. Lawton offered several reasons in excuse for Mr. Penn's giving [*sic*] out of town without attending on the Board, and being told that the Report to be made upon the complaints that lie before their Lordships relating to Pennsylvania, require dispatch, he promised to write this night to Mr. Penn in order to hasten his return.

Mr. Bird desiring their Lordships to appoint him a day to be heard upon the Virginia Address relating to the assistance required for New York, he was told that the Assembly's transmitting their Address to the Queen by him, as a particular Agent directly from themselves (there not being in the said Address or otherwise any matters of complaint against the Governor, through whose hands it ought to have been conveyed, and Mr. Bird also acknowledged that the Governor had done his duty, and that the Assembly have nothing to object against him) is an irregular way of proceeding; but that nevertheless their Lordships would consider the Address and report their opinion thereupon to Her Majesty. Mr. Perry also attending, said that though there was no complaint against the Governor upon account of his zeal in pressing the Assembly to comply with the quota required, he having done his duty therein, yet the People were very uneasy at the proposal, and he therefore prayed that a letter might be writ to the Governor signifying H.M. pleasure upon the Assembly's

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Address. In relation to the defence of that Province, he said that he had by the last ships sent over arms for several hundreds of the Militia both horse and foot, that he believes the people in general will provide themselves with arms, but nevertheless he desired that H.M. might be moved to send thither such arms as in the present conjuncture might be thought fitting. [C.O. 391, 14. pp. 399-406; and 391, 96. Nos. 59-61.]

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**317.** Copy of an Act for reuniting to the Crown the Government of several Colonies and Plantations. Whereas by virtue of several Charters and Letters Patents under the Great Seal of England passed and granted by several of his Majesty's royal Predecessors, as also by his present Majesty and the late Queen Mary of blessed memory, the several Colonies, Provinces and Plantations of the Massachusetts Bay, New Hampshire, Rhode Island and Providence plantation, Connecticut in New England, East and West New Jersey, Pennsylvania and the adjacent territories, Maryland, Carolina and the Bahama or Luca Islands in America, have been granted unto several persons, together with the absolute government or authority over his Majesty's subjects in those places, whereby the grantees were not only made Proprietors of the soil and lands comprehended within the said places, but also Lords and Governors thereof; and whereas the severing of such power and authority from the Crown and placing the same in the hands of subjects hath by experience been found prejudicial and repugnant to the trade of this Kingdom and to the welfare of H.M.'s other Plantations in America and to H.M.'s revenue arising from the Customes, by reason of the many irregularities committed by the Governors of these Plantations and by those in authority there under them, by encouraging and countenancing pirates and unlawful traders and otherwise. Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in Parliament assembled, and by the authority of the same; that all and singular the clauses, matters and things contained in any Charters or Letters Patents heretofore passed under the Great Seal of England by any of H.M.'s royal Predecessors or by his present Majesty and the said late Queen, relating to the government of H.M.'s subjects within the said Plantations, Colonies or places, or any of them, or within any other Plantation, Colony or place in America, whereby any power or authority is granted to any person or persons from the Crown, be and is hereby declared and enacted to be utterly void and of none effect. And it is hereby further declared and enacted that all such power and authority, privileges and jurisdictions be and are hereby reunited, annexed and vested in his Majesty, his heirs and successors, in right of the Crown of England, to all intents and purposes, as though no such Charters or Letters Patents had been had or made; Provided always that nothing herein contained shall be construed to extend any ways to alter, take away, diminish or abridge the right or title, which any person, persons or bodies politick or corporate have or lawfully may have or

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claim to any land, tenements or hereditaments or any other matter or thing (authority and government only excepted) by virtue of the said or any other Charter or Letters Patents by any mean assignments or conveyances or otherwise howsoever; Provided also that nothing in this Act contained shall be construed to empower his Majesty, his heirs or successors to govern the said Plantations, Colonies or places or any of them or the inhabitants thereof otherwise than according to the Laws in force in the said Plantations and places respectively, not repugnant to the Laws of England, and such other laws and constitutions as shall from time to time be made by the General Assemblies of the said respective Plantations according to the several and respective priviledges, as at any time heretofore granted to the said several Plantations and Colonies respectively, by any Charter or Charters or Letters Patents under the Great Seal of England, and according to the usages in H.M.'s other Plantations in America. *Endorsed*, Reed. Read April 8, 1702.  $5\frac{1}{2}$  pp. [C.O. 5, 1261. No. 81; and 5, 1289. pp. 426-430.]

April 8.

**318.** Governor Beeckman to [? the Dutch West India Company].

April 19.

*Signed*, Samuel Beeckman. *Endorsed*, Read Sept. 11 [N.S.]

Fort  
Kijkoveral  
in River  
Essequibo.

1702. *Dutch*.  $3\frac{3}{4}$  pp. *Enclosed*,

318. i. List of papers sent by the *Fortuyn*. *Dutch*. 1 p.  
[C.O. 116, 19. Nos. 11, 11.i.]

April 8.  
Whitehall.

**319.** William Popple to Mr. Attorney General. The Council of Trade and Plantations having immediate occasion to look into some of the Acts of Pennsylvania, which are in your hands, they desire you to return them without giving yourself the trouble at present of making any particular report thereupon; only they would be glad to receive your and Mr. Solicitor General's answer to the two questions expressed in my letter of the 29th of October last, wherein I sent you the said Acts, with what speed you can. [C.O. 5, 1289. p. 426.]

April 8.  
Whitehall.

**320.** William Popple to Col. Dudley. The Council of Trade and Plantations desire you to inform them what orders have been given by her Majesty or the late King in reference to New England, and what has been done in execution of any such orders since your being appointed Governor of those parts. [C.O. 5, 910. p. 193.]

April 9.  
Westminster.

**321.** Col. Dudley to Mr. Popple. [*In reply to preceding*] I know of no orders referring to New England either from his late Majesty or the Queen, then my Commission and Instructions. I hope their Lordships will please to put forward the supply of cannon and some soldiers for the garrisons of those Governments, as I have humbly offered in my memorial. *Signed*, J. Dudley. *P.S.* Mr. Blathwayt was pleased to speak with me of these affayres yesterday, and promist to make my answer. *Endorsed*, Reed. Read April 10. 1 p. *Holograph*. 1 p. [C.O. 5, 862. No. 106; and 5, 910. p. 193.]

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April 9.  
Whitehall.

**322.** William Popple to Josiah Burchett. There was an error in the provisions sent for the soldiers at Newfoundland the last year, and therefore those to be sent this year may be for two men less. [C.O. 195, 3. pp. 64, 65.]

April 9.  
Jamaica.

**323.** Lt.-Gov. Beckford to the Council of Trade and Plantations. If the Admirall had not stopt H.M.S. *Margett*, I had not had this present opportunity of giveing your Lordships the fatall advice of H.E. Wm. Selwyn, who departed this life the 4th inst. On the 5th I met the Council and to them publisht the Commission obtain'd by your Lordships' advice and favour from H.M. for Lieut.-Governor. The Counsell first administered the oaths to me, which I afterwards administered to all of them. The 6th, about 8 at night, the corps was interr'd. As soon as the ceremony was perform'd, I published my Commission at the head of the severall Companyes, the 7th it was likewise publish'd in the Church at Port Royall, the Regiment then being in arms. Thus farr have I putt in execution H.M. Commission, without any reluctancye of the people, or the least hesitation of the highest or lowest of paying their ready obedience thereto. I have gott Genl. Selwyn's Instructions, but have not yet had time to read or consider them, but I assure your Lordships that I will with all my might and power endeavour to perform every article in them, and shall never act in anything contrary to H.M. commands. The late Governor sent out a sloop about the 7th of March last to learn the motions of the French Fleet, which returned about the 28th, and brought an account that they had left Martineque, and were either come down to Leogane or Hispaniola, but I rather believe they are gone to the former place. The Admiral sent out another small sloop on Saturday last, and yesterday I dispatch'd away another for Leogane to look in there for them, if not there, to sail for Waltanam, and not meeting with them there to proceed for St. Iago upon Cuba, and if they are at neither of those 3 places, we may bee assured that they are gone to the Havana, and then they are so far to Leeward of us that wee need not fear their coming upon us for this bout, tho' I must say wee are as well provided to receive them as wee shall bee if they give us longer time, and I doe not any wayes doubt but (by God's assistance), if they should attempt anything, to give H.M. a good account of them.

Our Assembly, before the late Governor's death, adjourned till Tuesday the 14th, when I resolve to meet them, for not only every Member of the Council, but all others as well as myselfe, are clearly of opinion that the death of the General does not dissolve the Assembly; for wt. Laws we have now, most of them were made under the same circumstances; for when Sir Henry Morgan was Lieutenant-Governor of this Island, he called an Assembly, and in the time of their sitting or being Sir Thomas Lynch was made Capt. Genll., he wrote to Sir Henry not to dissolve the Assembly, so they were kept on foot until Sir Thomas arrived, and he continued them, and without calling a new one, made many or most of those lawes, which King

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Charles II was pleased to confirme for 21 years, and now there is a greater necessitie to continue this, for wee have yet no Law to quarter the Officers and Souldiers, save the short Act I herewith send your Lordps., which this Assembly has made but for 3 moneths, or the determination of their Sessions, which should first happen, and no longer, so that, if they are of course dissolv'd, that Law will cease, and then wee have no way, except the Martial Law will doe, to quarter either officers or souldiers. They have indeed revived the additional Duty for one yeare, or the end of this Sessions, but if they are dissolv'd, I feare that faillls of course, so I cannot see any remedy but they must bee continued, or Martial Law putt on foot, and the latter will bee of ill consequence to the country. I can yet give your Lordships no further or better account of matters or things at this present, but by the next (God permitting) will not fail to enlarge, and doe hereby assure your Lordships that as far as the Almighty shall enable me, I shall make it my whole businesse and constant studdy to performe the trust reposed in me. *Signed, Pe. Beckford.*  
*Endorsed, Recd. 16th, Read June 18, 1702. 2½ pp. [C.O. 137, 5. No. 64; and 138, 10. pp. 336-340.]*

April 9. **324.** Abstract of preceding [C.O. 137, 41. p. 1.]

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**325.** Lt.-Governor Beckford to Mr. Secretary Vernon. *Repeats part of information in preceding, and adds:*—The sloop sent out March 4 (or 7) learned from the Spaniards to windward of St. Domingo that, 10 days before, a sloop arrived from Martinique and brought advice that the French King was dead; that Monsieur Château-Renault had put on shore again such land-men as he had before taken on board for some expedition, which upon some advice or for want of orders he laid aside. We had further advice of Château Renault with this Fleet being at Portugall received orders to make the best of his way for the West Indies, there to watch the motions of our great Fleet, which the French supposed to be the sixty odd sail that came out together with Admiral Benbow: now I suppose when the 16 victuallers came to Château Renault at Martineque (as we are informed so many arrived there), and brought him no certainty of war, nor any positive advice how he should proceed, and having lain a long time there, his ships foul, the biggest of them disabled, a great many of his men dead, and all of them sickly, and having victuals to furnish M. Catlagon's (*Coetlogon's*) Fleete, which came to him from the Havana, for their home voyage, he sent those ten sail for France, set sail with his own fleet, and I verily believe is now at Leogane, and has sent away a ship to the Havana, with orders to send him timely notice when the Spanish Fleet will be ready to sail, so to slip by us down to the Havana, and away with the Spanish Fleet through the Gulph, without making any stay at the Havana, for I conceive he thinks that if he should sail directly away for that Port, and so fall to leeward of Admiral Benbow, he would or might follow him down, and

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there block up both fleets, or fall upon them. *Signed,*  
Pe. Beckford. 2 pp. *Annexed,*

325. i. Lt.-Governor Beckford to Mr. Secretary Vernon.

Jamaica, April 24, 1702. Since the above to your Honour by the *Margate*, I have advice by a Dutch man, who put into the North side of this Island for wood and water, and had been trading at the Manchaneels on Cuba, that the French Fleet sailed from Leogane about the last of March, for April 4 they were seen to pass by St. Jago upon Cuba, bearing down with a full sail, their fleet consisting of 28 ships. They sent a packet ashore at St. Jago for the Havana. This confirms the news brought me by a vessel of this Island, who put into Port Louis on the Isle de la Vache, which is the new settlement made by the French on the South side of Hispaniola. The Master informed me that 24 men of war, from 60 to 70 guns, arrived at Leogane March 12, N.S., and sailed the 22nd for the Havana. So that there is but little difference in the advices; one makes them but 24, the other 28 sail, there might be 4 tenders. They seem to agree well enough as to the time of their departure one or the other might mistake a day or two, or they might have met either with calms, or contrary winds, which might occasion their being longer under weight then I supposed, tho' I make no question but that they are either at the Havana, or else have proceeded for Europe with the Spanish Fleet. Yet it is still to be hoped that they will not trust themselves under their convoy. I am at present under no apprehensions of the French's designing anything against this Island. I do not hear of their assembling any body of men together at any of their settlements. I believe their design of sending that Fleet was either to take care of the Spanish Flota, or else to observe the motions of Admiral Benbow, whom they might suppose to be stronger then he really was. *Signed,* Pe. Beckford. *Endorsed,* R. June 29, 1702. 3 pp. [C.O. 137, 45. No. 2.]

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326. Minutes of Council of the Massachusetts Bay. Letter from Lt.-Gov. Nanfan, March 28, read, importing that Col. Romer would in a short time prepare for his return. Letter from Col. Romer, March 24, saying that he must make a voyage to Albany to set out the fortifications to be made there, and give necessary directions for carrying on the same, and that, at his return to New York at the end of April, he was resolved to come hither by the first opportunity.

Col. Nicholas Paige presented to the Board a letter directed to him from Lieut. Sabin of Woodstock within his Regiment, acquainting him that by reason of the removal of some of their Indians, etc., he had mistrust that the Indians were plotting some mischief, and that he had thereupon given order for putting the

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garrisons in the said town in repair, and for keeping a military watch, and praying directions in that matter. Ordered that the Secretary write to Lt. Sabin signifying the Council's approbation of his orders, which he was to continue, but nevertheless take care not to do anything that may give first provocation to the Indians, or that may cause them to think any harm is intended against them.

Warrant signed for 500*l.* for procuring provisions for the Castle.

Proclamation signed for dissolving the Assembly, the business of the husbandry being urgent at this season, and the time near at hand for an anniversary choice of Representatives.

April 10. Writs signed for convening the Assembly on the last Wednesday of May, as the Charter directs.

Orders signed for the discharge of 31 pieces of Ordnance from the Castle and 21 from the Fort in Boston to-morrow at noon, being the anniversary of the Coronation of King William.

Capt. Southack's accounts committed to be audited. [C.O. 5, 778. pp. 131-133.]

April 9. **327.** Minutes of Council of the Massachusetts Bay. Copy of Proclamation dissolving the Assembly, *as above.* [C.O. 5, 788. p. 214.]

April 9. **328.** Minutes of Council of New York. Ordered that James Mott and Henry Fowler, J.P.s for the County of Westchester, do inquire into the difference between Col. Caleb Heathcote and Saml. Staats and others relating to their right to land on the head of the lines of East and Westchester.

The Countess of Bellomont now having in her possession 500*l.* given by H.M. for the building a Fort at Onnondage, and the Government here being indebted to her considerably above that sum, and there being no money in the Treasury to pay her, ordered that the Collector and Receiver Generals do take up at interest on the credit of this Government 500*l.* to be applied for the building the Forts at Albany and Schenectady.

George Clark appeared and made oath that one Eden Burroughs, a lad of about 15 or 16 years old, had told him that he had subscribed the words to the Proclamation [see April 6]. He believed them to be in Burroughs' handwriting. Ordered that a warrant issue to the High Sheriff of Queen's County to take him into custody and bring him before the Board on Monday. Ordered that George Clarke, George Marriner, Andrew Marriner, and Edward Rasum be summoned to appear at the same time. [C.O. 5, 1184. pp. 646, 647.]

[April 10.] **329.** Memorandum of Memorial from Mr. Randolph shewing the defects in the several Acts relating to Trade and proposing a method to render them more effectual in the Plantations. *Endorsed, Recd. 10th, Read April 13, 1702. 4 p.* [C.O. 323, 3, No. 123.]

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April 10. **330.** Journal of Council of Trade and Plantations. Memorial from Mr. Randolph shewing the defects in the several Acts relating to trade, etc., laid before the Board. He was appointed to attend on Tuesday.

April 11. Further progress made in the Representation upon the 4½ p.c. Further progress made with the same. [C.O. 391, 14. pp. 406, 407; and 391, 96. Nos. 62, 63.]

April 11. **331.** Copy of Her Majesty's Commission to Thomas Povey, Capt. in our Regiment of Footguards, to be Lt.-Gov. of the Massachusetts Bay, under Governor Dudley. *Countersigned*, Manchester. *Endorsed*, Reed. Read April 21, 1702. 2 pp. [C.O. 5, 862. No. 107; and 5, 910. pp. 194-196.]

April 13. **332.** Circular letter from the Council of Trade and Plantations to the Governors of Plantations. Enclosing warrant under H.M. signature to continue the use of the Public Seals. *Signed*, Stamford, Lexington, Robt. Cecill, Ph. Meadows, Mat. Prior. [C.O. 324, 8. pp. 114, 115.]

April 13. **333.** Vice-Admiral Benbow to the Rt. Hon. the Principle Secretary of State [i.e. *Mr. Secretary Vernon*, see Ap. 30]. The foregoing is a duplicate of my last, since which the French Fleet were seen off Porto Rico. Upon this advice I sent a sloop up the South and down the North side of Hispaniola, to look into all the Bays and Harbours, and gain what intelligence she could of 'em. At her return she informed me she had been as high as Porto Rico, and round the Island of Hispaniola; looked into all the bays and harbours on the South, and also into the Bay of Samana on the North side; running along the shore off of Logan (where he was directed to look in), a great ship gave him chase and forced him to Leeward. The next day near Petitt Guava met a French sloop, which gave him an account that Monsieur Shatternoe [? *Château Renault*] was then in the Gulf of Logan with 30 men of war; that he had sent ten of the great ships home; likewise that 'twas said he would sail for the Havanna; not being satisfied with this account, four days since I sent another sloop for better intelligence.

Our provisions, men, stores, etc., are diminishing dayly, which earnestly craves a supply. The two fireships the Country has taken up for the King's service are almost fitted. The *Benjamin* is not yet sailed, her Captain being dead, and most of her men sick, the occasion; at the request of the dying Captain I appointed one Danish Updicke to command her, who will sail in a little time. I have declined careening any more of our ships at present, not being certain how the French, who are so near and to windward, may proceed. We lye in the road that leads out of the South Channel before Port Royal. The *Colchester* is cruising between the East end of Jamaica and the West of Hispaniola. We find our Hospital of great service, tho' we have and doe dayly loose a great many men, more then if we

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fought once a month. Scarce one in three of our Europeans live here twelve months. If I can with security leave this Island, I think to go or send part of our ships for New England, the sickly time (as they call it here), for if we should be obliged to lie here those months, we should loose most of our men. If this should happen, that I proceed for New England, I desire directions how to proceed. About five days since, came to this place a Spaniard, put ashore by a sloop which belonged to Cartagena, bound to the Havanna, who had been 14 days from thence, says that the Flota were sailed from La Vera Cruise to the Havannah, and ere this were sailed for Spain, but not under a French Convoy. The truth of this is suspectd.

The 6th inst. died the Governor, lamented by everybody. Capt. Beckford succeeds him by virtue of a dormant Commission. This comes by H.M.S. *Margrett* [sic], who has been in these parts as long as her security will admit, whose Commander has orders to sail for Longreach. Enclosed is the circumstances of the shippes now here. The *Fowey* will sail in ten days in company with some merchant ships for England, who likewise requires to be at home.

*Bredah* at Jamaica, April 30, 1702. This by H.M.S. *Fowey* brings you the duplicate of my last by the *Margrett*, since which we have no certaine news of the French ; 'tis said the(y) are sailed for the Havanna, also that they are still at Logan. I have sent several out to know the Truth, but still it [? is] doubtful, so that this day some of our ships are sailed, and in a day or two will follow and joyne them to goe on that errand myselfe (tho' not a very good condition, having lost above 600 men).

This Government, since the death of Mr. Selwyn, makes abundance of scruples to spare us men (tho' 'tis in their power, and they at the same time believe if a war happen nothing but our shipping can protect them), but if they doe not, necessity has no Law ; whilst I live I will doe my endeavour that the King's ships under my command shall be in the best condition our circumstances will admit of to act as men of war, which I humbly conceive is the intent of our coming into these parts. I intend to cruise with H.M. ships in the margin (1) between the East end of Jamaica and Petit Guava for the health of my men, and to inform myself how matters goe in these parts ; in which station to continue till we have advice from England, which would be welcome, Peace or War. The *Pendennis* is now careening, and will be ready in six or eight days to join us. The *Benjamin* transport ship sailed for New England the 23rd inst. (1) *In the margin the following list of ships :—Bredah, Defiance, Gloucester, Windsor, Kingston, Greenwich, Falmouth, Colchester, Bristol, Ruby, Pendennis, Experiment, Scarbrough. Signed, J. Benbow. Endorsed, R. June 29, 1702. 3 pp. Enclosed,*

333. i. Condition of H.M. ships in the West Indies.

Ship.	Commander.	Compt.	Bourne.	Misstd.	Cheqdt.	S.s. Ashore.	S.s. Aboard.	Able.	Ord.	Guns.	Bread.	Beere.	Pork.	Peease.	Oat-meal.	Butter.	Cheese.	Water, Tuns.	In weeks of	
																			in days of	in weeks of
<i>Breah</i>	... . . .	Xphier Fogg	370	355	344	..	11	..	172	113	70	37	..	10	10	5	5	7	7	120
<i>Defiance</i>	... . . .	Richd. Kirkby	..	312	267	229	..	38	..	..	64	38	..	51	4	4	12	3	3	..
<i>Gloccster</i>	... . . .	Jno. Hartnell	..	278	224	218	..	6	..	120	29	60	30	..	5	5	5	2	2	60
<i>Windsor</i>	... . . .	Jno. Constable	..	278	228	221	..	7	..	..	60	64	..	8	8	7	7	7	23	90
<i>Kington</i>	... . . .	Bar. Harris	..	236	168	166	..	2	..	69	46	54	80	..	17	17	19	25	8	..
<i>Greenwich</i>	... . . .	Cooper Wade	..	197	174	159	2	13	..	..	50	..	..	73	4	16	23	73	73	..
<i>Falmouth</i>	... . . .	Saml. Vincent	..	197	174	174	..	..	..	29	110	50	55	..	9 $\frac{1}{2}$	9 $\frac{1}{2}$	19	18	6	6
<i>Colchester</i>	... . . .	Jno. Redman	..	197	174	174	..	..	..	..	..	..	..	..	..	..	..	..	..	..
<i>Bristol</i>	... . . .	Ed. Acton	..	197	124	101	..	23	..	..	..	50	21	..	9	4	2	2	2	50
<i>Ruby</i>	... . . .	Geo. Walton	..	197	186	182	..	4	..	..	..	..	50	73	..	14	4	7	18	1
<i>Poulensis</i>	... . . .	Tho. Hudson	..	197	182	173	..	9	3	..	..	..	50	11	..	9	9	9	1	..
<i>Fowey</i>	... . . .	Tho. Legg	..	115	114	112	2	..	..	..	..	32	97	..	17	17	14	14	14	50
<i>Experiment</i>	... . . .	Her. Mitchell	..	115	93	81	..	12	..	..	..	32	14	..	13	8	4	6	4	..
<i>Scarborough</i>	... . . .	Hen. Foules	..	115	107	103	4	..	..	..	75	32	32	90	..	13	13	13	13	..
<i>Seahorse</i>	... . . .	Wm. Russell	..	95	50	55	..	1	..	..	27	23	24	..	..	1 $\frac{1}{2}$	2	2	2	8
<i>Hern.</i>	fireships	Phil. Boys	..	35	35	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..
<i>Earle Gall.</i>		Tho. Matthews	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
<i>Carcas Bomb</i>	.. . . .	F. Gregory	..	30	27	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
<i>St. Antonio</i> , sloop	.. . . .	H. Pudner	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
<i>Strombolo</i> , fireship	.. . . .	Cha. Smith	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

Signed, J. Benbow. 1 p. [C.O. 137, 45. Nos. 3, 3.i.]

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April 13. **334.** Journal of Council of Trade and Plantations. Circular Whitehall. letters to the Governors signed.

Representation upon the  $4\frac{1}{2}$  p.c. agreed upon.

Further progress made in preparing a Representation upon the defence of the Plantations.

April 14. Mr. Lawton saying that Mr. Penn would attend on Munday, and desiring that he might have copies of such papers as Mr. Penn's answer would be required to, he was told that all should be got ready against that time.

Ordered that Col. Quary be desired to attend on Monday.

Further progress made in the Representation upon the defences of the Plantations.

April 15. An abstract of several informations relating to irregular proceedings and other undue practices in Pennsilvania being laid before the Board, ordered that a copy thereof be sent to Mr. Lawton to be communicated to Mr. Penn in order to his answer thereunto.

Col. Quary acquainting their Lordships that having been lately arrested upon account of his condemning the *Providence* in Pennsilvania, he was to attend the Lord Chief Justice Holt this afternoon thereupon, and desiring a letter to the Attorney General in his favour, a letter was accordingly writ and delivered to him.

Letter from Mr. Lowndes read. [C.O. 391, 14. pp. 408-412; and 391, 96. Nos. 64-66.]

April 13. **335.** Minutes of Council of Barbados. Several drawbacks for wine turned sour, recommended by the Assembly, granted.

Error, brought by John Stewart, administrator of John Johnson, to revise a judgment granted against him July 30, 1701, by Benjamin Callow, J.P., to Ralph Walker for  $5l.$  11s. for work done, considered and judgment reversed, it appearing that the service of the warrant was not duly returned.

Error brought by Phillip Batson, Planter, against a judgment obtained by Phillip Bamfeild, Aug. 13, 1701, in the Court of Common Pleas for St. Michael's, for  $30l.$  sterl., considered and judgment reversed, the writ being returnable in Christchurch, not St. Michael's.

Certificate from the Commissioners appointed to try the negroes upon the late plot was read, setting forth that a negro valued at  $25l.$ , belonging to Mrs. Mary Jones, was found guilty by them and executed accordingly.  $25l.$  paid to Mrs. Jones.

$20l.$  12s.  $7\frac{1}{2}d.$  paid to John Dickinson for entertaining the Commissioners for the Leeward fortifications.

$23l.$  10s. paid to Robert Osborne, one of the Attorneys of John Bromley, whose negro was executed for stealing a sow and piggis belonging to the estate of Burch Hothersall.  $30s.$  paid to Wm. Cole, Executor of Burch Hothersall.

$10l.$  paid to Thomas Poore, Clerk of the Commissioners appointed for trying the negroes in the late plot.

$10l.$  paid to John Legay, Clerk to the Assessor of St. Michael's. The Hon. Peregrine Bertie, Commander of H.M.S. *Betty*,

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brought a charge against Samuel Cox, one of the Members of this Board and one of the Commissioners for collecting H.M. Customs.

On March 31 he seized the sloop *Friendship*, Thomas Balgay, master, loaded with French sugars at Dominico by French men in French sloops from Martinico, and ordered his officers to detain her from landing goods or papers until information was given to the President and Council of Barbados. Soon after some persons interested in the said sugars showed him the permit signed by Saml. Cox to unload them. Some few hours afterwards Cox came on board with one of the Waiters, ordered him to seize the sloop, and to fix the Broad Arrow thereon. Since which seizure the sugars are unloaded and the ship set at liberty without any prosecution ordered by Cox. On April 6th Capt. Bertie endeavoured to board the sloop *Margaret* from New York, but before his boats could get up to her, Mr. Cox rowed by the vessel in a small boat and bid the Master make the best of his way and not to take notice of the man-of-war; that the Captain would ask to see his papers, but to shew him none. Capt. Bertie observing that the sloop took no notice of H.M. Colours or the boats coming towards her, fired a shot to bring him to, which grazing her stern, had almost accidentally taken off Mr. Larkin." Cox was granted a copy and ordered to give in his answer to-morrow.

April 14. Mr. Cox's answer:—Capt. Bertie's allegations are unjust and untrue. When the Master of the *Friendship* had showed the President his papers and full satisfied him that he was legally to trade, and entered his vessel in the several offices as customary, and had given bond to this Respondent to re-ship his sugars on some ship now in the Road, that had given bonds as the Law directs and had paid H.M. duty of  $4\frac{1}{2}$  per cent., then and not till then Respondent gave a permit to unload, in order to refit and restep the sloop. But afterwards Jacob Stevens, one of the Waiters of H.M. Custom House, being informed that the vessel was liable to a seizure for having on board counterbond goods, desired Respondent's assistance in making a seizure in order to search her. After which seizure, Capt. Bertie by force took the vessel from the waiter and from the place where she lay at anchor, and carried her to an anchor under his stern, where he kept her subject to his command for 48 hours, and then himself released the vessel to the parties interested, without any notice or consent of the President and Council and the Judge of the Admiralty, etc. He, in fact, ought to be called to account for his irregularities. It appears by his own Memorial that he detained the vessel, which detinue he calls his own seizure, which he by no law or statutes was entitled to make, much less to take by force, and again to discharge a seizure made by a proper officer, Jacob Stephens.

As to the *Margaret*, deponent happening to be in the Road in the King's boat, and by accident meeting with some sloops which had been unkindly used by Capt. Bertie by taking the Masters thereof out of them before they came to an anchor, did meet with the *Margaret* from New York, wholly laden with provisions,

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and acquainted the Master of the unfair usage of the men-of-war, that he had contrary to Law usurped an unknown power and authority never before used by any man-of-war, to make seizures and release the same at his own pleasure, without making any prosecution or acquainting the Government thereof, who alone are vested with an authority to inspect such matters. Deponent told the Master of the sloop that the man-of-war had not any power to demand his papers before he had come to an anchor, being then in the harbour, and been with the President and Commissioners of Customs. He bid him not to go near him, least he should abuse him likewise. Capt. Bertie fired the shot when she was within several of the shipping, as she was coming to an anchor, then sent both his boats aboard and took out the Master, and took the vessel into his custody, and brought her to an anchor under his stern, and when the Master was on board his ship, he threatened punishment by bringing him to the irons for not coming under his stern and shewing him his papers, the inspection of which immediately belongs to the President and Custom House Officers. Respondent claims protection in this matter, and desires that such irregular proceedings be discouraged. Capt. Bertie not attending this Board to justify his charge, the Board proceeded upon other business.

Act to secure the peaceable possession of negroes, etc., was read the second time with amendments and additions, which were sent down to the Assembly for their concurrence.

The Assembly desired a Conference upon the writ for electing a Member for the parish of St. Joseph. The Council replied that, the Assembly not having made a House on March 31, the day appointed for that conference, they had appointed this day for amending the Bill above named, and cannot conveniently attend the Conference proposed, without impeding the Bill. They therefore proposed to-morrow for the Conference. The Assembly announced that they were adjourning to the 21st. The President summoned a Council to meet on the 22nd for the Conference. Ordered that when the Council sit as a Court of Errors or otherwise, to give their judgment in any matter, and the same shall be put to the vote, they shall be collected and taken publicly in open Court.  
[C.O. 31, 6. pp. 189-204.]

April 14. **336.** Journal of Assembly of Barbados. Col. Downes elected Speaker.

Bills to naturalise Michael Wyner, John Deere, Henry Norring, and Henry Vangent were read the first time.

Capt. Richard Gilbert petitioned for 432*l.* 1*s.* 8*d.* for the hire of his sloop *Amity*, impressed in 1691. He was allowed 50*l.*

30*l.* granted to Edward Arnell for the use of his house for the Grand Sessions.

Act for the encouragement of the return of runaway servants was read and referred for further consideration and to have an account what satisfaction has been given of the desire of such servants' return.

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Wm. Leake, Jane Willy, widow, and Peter Fleurian, merchant, were granted drawbacks on wine turned sour.

The House adjourned till April 21. *And see preceding abstract under date. [C.O. 31, 6. pp. 461-464.]*

April 13. **337.** Minutes of Council of New York. Barne Cosen appointed Escheator General of the Province.

Warrants issued for payment of 90*l.* to Lady Bellomont, and 30*l.* to Lt.-Gov. Nanfan.

Ordered that the High Sheriffs summon the Justices of the Peace within their respective districts to pay to the Receiver General their arrears of the 2,000*l.* and the 1,000*l.* taxes, and in case they fail to pay the same in a month's time, that they be summoned to appear before this Board.

Petition of Joseph Prosser read, and, on his submission to the Governor and Council, his fine was remitted.

Petition of Thomas Parcell of Great Barns Island read, and in consideration of the charge he hath been at in the erecting of a mill on the said Island, and that the same is for the benefit of his neighbours, ordered that the Solicitor General prepare Letters Patents for four rodds square into the water on the North side of the Island at Little Hellgate to the Petitioner, that he may make a dock or such works as be necessary for the security of his mill, at a pepper-corn rent, if demanded.

Petition of Susannah Vaughton referred to further consideration.

Petition of Francis Martino read. Ordered that a warrant of survey issue for the laying out his land and meadow according to his Letters Patents thereof.

Petition of Thomas Stillwell read. Warrant of survey ordered as desired.

Samuel Clows, Surveyor, reporting that he had laid out a parcel of land for Peter Cortilean, as ordered March 26, in the New Dorp, co. Richmond, Staten Island, beginning at a large black oak near the corner of Sarah D'Gonn's land, and adjoining the land of John Louisse, Nathaniell Brittaine, Aaron Praws, Isaac Bolean and Daniel Lake, ordered that Letters Patents be prepared for Peter Cortilean and his heirs for the said land at quit-rent of 6*s.* per annum.

Petition of Adrian Lane, for an addition of 20 acres to his patent, purchased from Thomas Carhart in the county of Richmond, granted, at a 10*s.* per annum quit-rent.

Warrants of survey ordered upon the petitions of Abraham Laleine and Nathaniel Brittaine.

Letters Patents for land in Richmond county at a quit-rent of 5*s.* per annum, granted to Peter le Coute.

Petition of John de Puy, Abraham Gouverneur, and Joseph Bastido read, praying a warrant of survey for laying out lots of lands in Richmond county, one in the rear of Mr. Osselton, one at Smoker's Point, to the westward of Jean Rigault, one at the westward of Thomas Pusling, and one to the front of Breville, containing in all about 220 acres, together with 12 acres of Sault

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meadow at Fresh-Kill. Granted, provided that Peter Janse, a very poor man now inhabiting on some part of the land, without having any title thereto, have a patent for 30 acres of land adjoining to his house.

Warrant of survey granted upon the petitions of Thomas Weaver, Mark Desachoy and James Sullion.

Letters Patents ordered to be prepared for lands purchased from the native Indian Proprietors in Ulster county by David Provoost, John Depeyster, Matthew Clarkson and Robt. Sanders, under a quit-rent of 5*l.* per annum, there being about 1,500 acres of profitable land besides waists and woodland. But in consideration that the purchase was not made before one of H.M. Justices of the county according to their licence, ordered that the Patent remain in the Governor's hands until the purchase be so made.

The Attorney General appeared before this Board, and being taxed by the Governor for his neglect of his duty in prosecution of the King's affairs, and other matters and speeches uttered by him, he submitted himself and acknowledged his offence to the Governor before this Board, and begged pardon for the same. Whereon the Governor, with consent of the Council, pardoned him, in hopes that for the future he will behave himself as he ought to do in his employment for H.M. service.

Eden Burroughs [see April 6] was committed to the custody of the High Sheriff of New York till further orders.

April 14. Petition of Susannah Vaughton considered. Ordered that Samuel Staats produce his title to the land in question, and that the Secretary bring his records.

Letter from the Council of Trade, Aug. 20, 1701, read.

The Governor having received advice that the Lord Cornbury is appointed to be Governor of this Province, and may speedily be expected here, ordered that the House in the Fort be put into repair and order as well as may be for his Lordship's reception, and that two pipes of wine and some beer be laid into the cellar in the Fort, that it may be in a fit condition for his Lordship's use on his arrival.

This Board taking into consideration the great charge of the Assistant Judges, and there having been formerly 100*l.* per annum allowed to William Pinhorn and to John Guest, who were Assistants to the Chief Justice, ordered that Abraham Depeyster and Robt. Walters, the present Assistant Justices, be allowed 100*l.* between them from the date of their Commissions.

Thomas Langworth of Southhold appointed Clerk of Suffolk county.

Whereas some disaffected persons who take great liberties in defaming the administration of the Government have spread a report that Col. Nicholas Bayard and Alderman John Hutchins, who stand convicted and attainted of High Treason, have obtained reprieves without acknowledging their offences, and begging pardon for the same, ordered that their petitions be forthwith printed for the undeceiving those who have been imposed on by such false reports. Letter to the Council of Trade

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in relation to this affair ordered:—"We take leave to enclose authentick copies of the indictments against Col. Bayard and Alderman Hutchins for High Treason of which they stand convicted and attainted, but, having confessed their offences and implored H.M. mercy, the Governor has thought fit with our consent to reprieve them till H.M. pleasure shall be known. We cannot but represent in favour of Hutchins that he is an ignorant man drawn in and very penitent; he has a considerable estate in hand and some personalty, but owes several sums of money for the payment of which would be reasonable that provision should be made in case of restitution. We humbly submit the matter to H.M. consideration, hoping that their submissions have had a good effect for securing the Peace of the Government, which had been greatly disturbed, and cannot but beg your Lordships particularly to interpose in favour of Hutchins. *Signed,* John Nanfan, R. Walters, T. Weaver, A. D'Peyster, S. Staats, W. Atwood.

Quarter's salary, etc., paid to S. Broughton, Attorney General, and Lawrence Claese, Interpreter.

7*l.* paid to John Lawrence for his expenses in bringing pirates' goods from Oyster Bay to New York.

6*l.* 3*s.* paid to Thomas Williams for fetching back M. Battailes, a Frenchman who was going to Canada without a pass, by order of Lord Bellomont.

130*l.* 19*s.* 9*d.* paid to Thomas Weaver for money expended by him by order of the Government.

10*l.* 16*s.* paid to Ryer Schermerhoorn for firewood for H.M. Fort at Schenectady from Nov. 1, 1700—May 1, 1701.

6*l.* 12*s.* paid to John van Zant for mending and looking after the pump belonging to H.M. Fort William Henry, Sept 2, 1698—May 7, 1701

32*l.* 10*s.* 6*d.* paid to John Crooke for turning of powder (for) casks for the Fort.

7*l.* 10*s.* paid to John Bachand for blacksmith's work done by him to H.M. Fort William Henry.

6*l.* paid to Gabriel Ludlow, Clerk of the Assembly, for business done by him for the late Earl of Bellomont in dispatching the packetts for England.

27*l.* 5*s.* 6*d.* paid to Robert Walters for firewood for the Fort, Oct. 3, 1701—April 2, 1702.

3*l.* 8*s.* 2*d.* paid to Major Dirk Wessells for candles, etc., for the garrison at Albany.

6*l.* 4*s.* 0*d.* paid to Jonathan Broadhurst for charges expended by him in letting to farm the Excise of the city and county of Albany.

10*l.* 14*s.* 1½*d.* paid to Robt. Walters for linen for the Officers' Rooms in Fort William Henry.

16*l.* 12*s.* 0*d.* paid to Gabriel Thomson, Doorkeeper of the Assembly, for his salary, house-rent, etc., during the sitting of the Assembly in April last. [*C.O.* 5, 1184. *pp.* 647-656.]

April 14. **338.** Memorandum of letter from Mr. Lownds, enclosing letter from Mr. Sec. Vernon to the Treasury about the application

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of the  $4\frac{1}{2}$  per cent. in Barbados and the Leeward Islands.  $\frac{1}{4}$  p.  
[C.O. 152, 4. No. 88.]

April 15. **339.** William Popple to Mr. Attorney General. The Council of Trade and Plantations have commanded me to acquaint you that Colonel Quary having been employed in her Majesty's service in the Plantations, and having been very usefull there in his office of Judge of the Admiralty, has (as they conceive) met with some hardships therein since his coming to England; and being to return to America, their Lordships therefore desire you to give him your assistance in freeing him from the trouble he lies under, being fearfull that otherwise the Queen's Officers in the Plantations will be discouraged in the discharge of their duty. [C.O. 5, 1289. pp. 430, 431.]

April 15. **340.** Deed of Surrender from the Proprietors of East and West New Jersey of their pretended right of Government to her Majesty. *Grant of Charles II to James Duke of York quoted.* And whereas the estate, interest, right and title of the said Duke of York in the said Provinces are vested in or claimed amongst the present Proprietors, and they also have claimed, by virtue of the said Letters Patent and mean conveyances, to exercise within the said Provinces for the governing the inhabitants thereof all the powers granted to the Duke, but H.M. hath been advised that they have no right, nor can legally execute any of the said powers, but that it belongeth to H.M. in right of her Crown to constitute Governours of the said Provinces, and to give directions for governing of the inhabitants; and the Proprietors, being desirous to submit themselves to H.M., are willing to surrender all their pretences to the said powers of government, to the intent H.M. may be pleased to constitute a Governour or Governours of the same Provinces with such powers etc. as H.M. shall think fit. April 15, 1702. *Signed, Proprietors of the Eastern Division:* L. Morris, *in behalf of* Robert Burnett, Miles Forster, John Johnstone, Michael Hawdon, John Barclay, David Lyell, Tho. Warne, and Thomas Gordon; William Dockwra, Peter Sonmans, Joseph Ormston, *as proxy for* Charles Ormston, Edward Anthill, Georges Willocks, Frances Hancock, Tho. Barker, Tho. Cooper, Gilbert Molleson, Henry Adderly *for* Richard Hasel of Barbados, Tho. Lane, Paul Doeminique, Robt. Michel, Joseph Brooksbank, E. Richier, Michael Watts, Clement Plumstead. *Proprietors of the Western Division:* Benjamin Nelson, James Wasse, Richard Harrison, John Turin, Richard Greenaway, Charles Michel, Francis Michel, Fra. Paunceford, Wm. Hamond, Ferd. Holland, Elisa Miller, Ben. Levy, Fran. Minshall, Joseph Collier, Tho. Lewes, Jo. Bennet, John Booker, John Whiting, John Wilcocks, John Bridges, Tho. Skinner, Ben. Steele, Obadiah Burnett, Jos. Micklethwait, Tho. Lane, Paul Doeminique, Robert Michel, Joseph Brooksbank, Michael Watts, E. Richier, John Norton, Ebene. Jones. *Endorsed, Recd. Read June 8, 1702. Parchment, with seals attached.*

$1\frac{1}{2}$  large pp.

[C.O. 5, 970. No. 1; and 5, 994.A. pp. 1—16.]

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**341.** Minutes of Council of New York. Petition of Leigh Atwood and Richard Slater on behalf of themselves and Company read. Ordered that a warrant of survey issue as desired, and Letters Patents on the return thereof.

Ordered that Edward Antill be debarred from practising as an Attorney at Law in any Court until he have taken the oaths and subscribed the Test and Association before the Governor and Council, he having formerly refused the same.

Ordered that the Attorney and Solicitor General do put in execution the Act to oblige Robert Livingston to account.

Petition of Isaac and Cornelius De Peyster read. Warrant of survey ordered accordingly.

72*l.* 3*s.* 3*d.* paid to Abraham Depeyster and Robert Walters, Assistant Justices of the Supreme Court, for their quarter's salary, due March 25.

April 16. Col. Caleb Heathcote appearing to answer the petition of Samuel Staats and others, April 2, made oath that he hath not purchased any lands from the Indians in the County of Westchester since Feb. 24 last, within the bounds contained in the deed from the Indians to Samuel Staats and others.

Edward Antill took the oaths appointed, and explained that he could not take them during the life of King James. [C.O. 5, 1184. pp. 656, 657.]

April 16. **342.** William Popple to Charlewood Lawton. The Council of Trade and Plantations send you the inclosed abstract of Informations, which lye before them, relating to irregular proceedings and other undue practices in Pennsylvania, unto which they expect Mr. Penn's answer. And I am further to acquaint you, that upon your notice of his coming to town, they have appointed to meet on Monday morning next at ten o'clock in order to hear what he may then have to offer. *Annexed,*

342. i. Abstract of several Informations relating to irregular proceedings and other undue practices in Pennsylvania. (1) That all Illegal Trade is carried on there more than ever. Sloops are purposely employed to go out of the Capes and take on board goods brought by other vessels from Curacao, which they land at Philadelphia or elsewhere, and then the vessels that brought them come up to Philadelphia in ballast, as if they had brought nothing. (2) The Acts past in Pennsylvania to prevent illegal trade are not put in execution; as neither the Acts of Trade made here. (3) Mr. Penn having appointed Water Bayiffs by his own authority, has invaded thereby the jurisdiction of the Admiralty established by the King. (4) There is neither any Militia established, nor any provision made of arms or ammunition; but the country left defenceless and exposed to all hazards both by land and sea; of which the Representatives of the lower Counties have several times complained to Mr. Penn, but without obtaining any redress. (5) Mr. Penn endeavours all he can to

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invite foreign and French Indians, known to be villains, and but lately come from Canada, to settle in this country, only for the benefit of a trade with them; which he takes care wholly to ingross to himself, by ordering the Indians not to permit any to trade with them but such as produce an indented licence under his seal. What his profit may be thereby is not known, but it is apprehended this practice may tend to endanger the lives of many thousands of her Majesty's subjects. (6) Mr. Penn prevailed with the Assembly at one sitting to make a present to him of 2,000*l.*, and further to settle upon him 1,000*l.* per annum and upwards in taxes. The expence of their several sittings whilst he was there amounts to above 600*l.*; but he has not disposed them to raise the small quota of 350*l.* which was signified to be requisite towards the defence of New Yorke; they excusing themselves chiefly upon account of their want of a settled Militia, arms and ammunition for their own defence. Nor has he disposed them to any compliance with the quota of men for New York in case of an attack, tho' it be a condition upon which the government was restored to him. (7) The Representatives of the three lower Counties, in an address to Mr. Penn, have further represented, that instead of reaping the security designed by the laws past at New Castle, they find that the most essential of those laws, and which nearest concern them in their estates, have not been sent home for his Majesty's approbation, especially those for qualification of magistrates and juries and those for establishing property and raising money. (8) Those Representatives being doubtfull of Mr. Penn's right to the government of those counties, they desired a sight of his Deeds of Feofment. But instead thereof were threatned with a goal, without bail, till either the King's pleasure should be known, or Mr. Penn's return into those parts; and by these proceedings being made more doubtfull of the validity of the laws past at New Castle, they refused to confirm the same. (9) In relation to the administration of justice, information has been given of three particular cases very hainous, viz., a man committed for bestiality with a mare, for want of a legal method of proceeding, got off. A woman committed for murdering her bastard child, and confessing the fact, was either acquitted or pardoned; the son of an eminent Quaker committed for a rape, by several shuffling and irregular practices, got off without tryall. (10) Further information has been given of a jury, who not agreeing upon the verdict in a cause which they were charged with, determined themselves by hustle cap. (11) Appeals have not been granted from sentences in Courts in Pensylvania to his Majesty in Councill here, particularly in the case of

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Thomas Byfeild against John King. (12) The Deputy Governor left by Mr. Penn is not qualified by H.M.'s approbation or otherwise, as requisite by law; nor has Mr. Penn ever given security for any Deputy Governor, as directed by the address of the House of Lords of March 18, 1696. [C.O. 5, 1289. pp. 431-435.]

April 16. **343.** Memorial of Henry Adderley and Charles Lodwick, merchants in London, on behalf of Col. Bayard, *etc.* It is needless to remind your Lordships of the great hardships which Col. Bayard was exposed to during the time that Jacob Leyslaer took upon him the government of New York, how he was imprisoned, kept in irons and exposed as a show, and carried about in a chair at the pleasure and for the diversion of a tumultuary mob, to the great danger of his life, and how he was robbed of a great part of his estate, upon a groundless pretence that he was disaffected to the interest of the late King, when he was known to be a zealous Protestant, and gave advice to turn all the Papists out of their posts, the better to forward the Revolution there, only desiring that the Protestants then in the Government might be continued in the exercise thereof, for the publick peace, till orders should come from England. Your Lordships have been also informed of the hardships he hath met with since, which forced him to make his retreat to England, where he had your Lordships' direction to return home, with a promise of protection against the like inconveniences for the future. Yet since the death of the late Governour, the old ferment is renewed to a greater degree than ever, through the encouragement given to the factions by one Atwood, Chief Justice, and one Weaver, Collector. *Quote Enclosure V.* Having thus prepared their party, and to continue their power to oppress such as were the objects of their malice, they prevailed with the Lt.-Gov. to call an Assembly, resolving beforehand to use all their cunning to get them rightly modelled to serve their purposes. And therefore when they perceived that a return was made of ten members, who were not of their party, after they had chosen an Alien for their Speaker, they expelled two upon pretence of non-residency in the places for which they were returned, and the other eight, who with those two objected against the Speaker as not being a denizen, were also expelled, upon pretence of their not giving their attendance, which they could not do, for the reasons assigned in their Petition (No. XI. *infra*), and the votes of Assembly, Aug. 20, 1701. Then having directed writs to make new Elections in place of the expelled members, they proceeded to do business as a House, although they were but eleven in number (their Speaker included) and continued to consist of that number only from Aug. 22—Sept. 15, and passed several Bills in that time. On Sept. 13 three new elected members appeared, but refused to act for the reasons mentioned in their Remonstrance (No. XII.), for which they were likewise expelled the House, and ordered to be prosecuted by the Attorney General. Those things,

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with the other arbitrary proceedings of the House mentioned in their votes, and the largesses to the Lt.-Gov. and Justice Atwood to keep them firm to their party, did so alarm the wealthy merchants, and other honest English-spirited men in the Province that they prepared three Addresses, one to the King, one to the Parliament, and one to my Lord Cornbury, setting forth their grievances. The Council getting notice thereof, were so nettled thereat, that Col. Bayard with his son, and one Capt. Hutchins, were summoned to give an account of those Addresses, and the two first were bound in recognizances of 1,500*l.* each to answer to an indictment to be filed against them in the Supreme Court, and Capt. Hutchins was committed for not producing those Addresses. Then Col. Bayard, Rip Van Dam, Philip French and Thomas Wenham addressed the Lt.-Gov. and Council, praying that Capt. Hutchins might be sett at liberty, if they had no other thing to charge him with then his not producing the Addresses, because they were not in his custody, but in theirs, and they hoped to make good the legality of them (*No. II.*) which so heightened the displeasure of the Council (having construed some words of the said Address in the worst sense) that Col. Bayard was committed for High Treason, and orders given to the City Militia to keep guard, and to relieve one another by Companies, above his chamber in the prison, to prevent a rescue, and those guards were continued at the time our last letters were dated. The other three, which joined with Col. Bayard in the Address, had first three days time given them, then six more, to produce copies of the said Addresses, and at last were told that orders should be given to the Attorney General to prosecute them. After this, the Council ordered a Proclamation, to quiet the minds of the people, who were much disturbed at those proceedings, that so they might with the greater security proceed to the intended tryal, and (as we believe) execution of Col. Bayard. But this Proclamation was suppressed upon the arrival of a ship from England with an account that my Lord Cornbury was ready to sail in a few dayes, concerning whom they constantly affirmed that he would never come over Governour. Since the arrival of this ship, they talk no more of a Special Court to try the prisoners. Yet considering the directions we have received from Col. Bayard, and other Gentlemen in the Province, and not knowing what accidents may happen to my Lord Cornbury by the way, and that Col. Bayard [is] apprehensive of the most cruel effects of rage against his person, we have laid this Memorial before your Lordships, humbly entreating you would speedily put a stop to those violent and unaccountable proceedings, which are carried on purely to qualifie the revenge of a restless faction.

We presume likewise to acquaint your Lordships of the damage done to us in our Commerce with those men, and our other Correspondents, who dare not keep or answer our letters, lest they should fall into the hands of their enemies, and be misconstrued to their hurt (*No. VII.*). Of those "treasonable" addresses, we could get no copies for the reasons mentioned

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(*No. VII.*). The Attorney General can find no treason in subjects addressing for relief of grievances, for which he is out of favor, and threatened to be suspended. And we hope that your Lops. will find nothing in those Addresses inconsistent with the duty of loyal subjects, but will perceive that the people's oppressions have been insupportable, and their enemies' malice insatiable. *Pray for* speedy relief. *Endorsed*, Recd. Read April 16, 1702. *3 closely written pp. Enclosed*,

343. i. Copy of Minutes of Council of New York, Jan. 16 and 19, 170 $\frac{1}{2}$ . (Copy of warrant for the commitment of John Hutchins.) *Endorsed*, Recd. from Mr. Adderley and Mr. Lodwick. Recd. April 16, 1702. *2 pp.*

343. ii. Copy of Address of Nicholas Bayard, Rip Van Dam, Phillip French, and Thomas Wenham, on behalf of themselves and some of the Freeholders and Inhabitants of New York, to the Lt.-Gov. and Council of New York. Whereas by a Mittimus, Jan. 19, Alderman Hutchins stands committed for signing of libells said to be against the administration of the Government, which pretended libells we understand to be an Address to H.M., another to the Parliament, and another to my Lord Cornbury, whom we understand by certain advice we have received from England to be nominated by H.M. to succeed the late Earl of Bellomont as our Governor, copies of which (by said Mittimus) wee find are expected from said Hutchins, and is part of his charge in the commitment, the copies of which originals (being in our hands or custody) he cannot deliver them, if there be noe further crime to be alledged against him, we hope to make good the legality of the said Addresses, and pray that the said Hutchins may be released from his imprisonment, or be admitted to bayle. *Same endorsement.  $\frac{3}{4}$  p.*

343. iii. Copy of a warrant for the Commitment of Col. Bayard. *Quotes* Act of 1691, for quieting the disorders of the Province, and for securing H.M. Government against the like disorders for the future, whereby it is enacted that whatsoever person shall by any manner of way endeavour by force of arms, or otherwise, to disturb the peace, good and quiet of H.M. Government, shall be deemed Rebels and Traytors unto their Majesties. Notwithstanding which, Col. Bayard, as has appeared by the oaths of several persons examined before us in Council, by conspiracy and combination with John Hutchins, lately committed by us, together with several others, persons disaffected to this H.M. Government, to the manifest disturbance of the peace of the same, by divers indirect practices hath drawn in souldiers and others to sign scandalous libells, whereby they have endeavoured to render the past and present Administration vile and cheap in the eyes of the people, and the said Col. Bayard hath invited the people to disown the present authority, and cast off H.M. Government

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as it is now established, the Council hath unanimously thought fit and doe resolve that he be committed for High Treason. *Warrant* to Isaac D. Riemer, High Sheriff of New York, to take him into custody. Fort William Henry, Jan. 21, 170 $\frac{1}{2}$ . *Signed*, John Nanfan, A. D. Peyster, S. Staats, R. Walters, T. Weaver, W. Atwood. *Same endorsement.* 1 $\frac{3}{4}$  pp.

343. iv. Copy of Act for quieting disorders of New York, *cited above*. *Same endorsement.* 1 $\frac{1}{4}$  pp.

343. v. Thomas Wenham and Phillip French to Col. Charles Lodwick and others. New York, Jan. 28, 1701 (1702). Enclosed comes our Address to H.M. on behalf of ourselves and the greatest number of the Inhabitants of this City. We have been miserably misrepresented, and have felt the sad effects of it for some years past, all our complaints being rendered ineffectual by one meanes or other, and notwithstanding our great hopes of an end to this misery by the death of the Earl of Bellomont, we find ourselves disappointed, Mr. Weaver, and Mr. Atwood giving new life to the languishing faction. Our Chief Justice [Atwood] has been soe much exasperated and whetted with the reports about the discords between the two Houses, that he gave forth many railing accusations against the Parliament, and some particular Members thereof, saying that a reconciliation was utterly incompatible, and that my Lord Cornbury would never come over, and we having framed an Address to H M., and another to my Lord Cornbury to be presented him on his arrivall, in the getting of names thereto, it happened to be discovered, and before ever he could come to the knowledge of the contents thereof, he gave it for Law to be High Treason, by virtue of an Act of Assembly of this Province, by which meanes the greatest and richest part of H.M. subjects were put in great terror ; Col. Nicholas Bayard and Lt. John Hutchins were committed to close prison, charged with Treason for procuring names to the Addresses, the City Militia called to arms by beat of drum to guard the prison, and continual distaining every day of the inhabitants that were absent from the guard. Capt. Theobalds has laid down his Commission on this occasion. Great number of the people were had up every day for some time, many whereof were drawn in by threats and otherwise to make discovery upon oath against themselves and others, which practice was very violent, untill some of us stept in, and presented a Memorial unto the L.G. and Council owning the Addresses in our custody, but refusing to discover them untill they should be presented to H.M. We were from time to time threatened with close imprisonment, if we did not deliver them up. But the arrival of Capt. Bond from London, Jan. 24, has, as we suppose, made them more

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moderate. Soe the Attorney General, who was almost suspended for giving his opinion against these violent proceedings in this matter under his hand, was ordered to prosecute us. Bayard and Hutchins continued still in close prison. Now the Judge talks noe more of his special Court, nor of the taking of the Ringleaders and Authors of these Addresses. We are extremely grieved to find such men come out from England in such employments, to prove blemishes to so good, so great and illustrious a Prince. We dare not at present adventure to send you over copies of particulars, the *stream his* [sic] lately threatned soe much. *Signed*, Phillip French, Tho. Wenham. *Same endorsement.*  
*Copy.*  $1\frac{3}{4}$  pp.

343. vi. Col. Nicholas Bayard to Henry Adderley and Col. Charles Lodwick. I suppose, Gentlemen, you have by this vessel from some of my friends a full account in what manner our former unhappy breaches and divisions in this Province are of late broken out to a more violent degree and flame than ever, occasioned by meanes of three Addresses, lately signed by a number of the Freeholders and Inhabitants of this Province. They were signed by most all the Chief Merchants and principal Inhabitants that are in opposition against the Leislerian parties, and wee had for soe doing the best advice and Council of the experienced Lawyers we have amongst us. But soe it is, that our Lt.-Gov. and Council haveing discovered that such a matter was in hand were extremely concerned and disgusted at it, and thereupon used all the meanes possible to get the same seized on, or to procure the copies of them, but the papers being timely secured to prevent any false construction that might be made upon any of the words, since Judge Atwood termed it sedition and rebellion, one Capt. John Hutchins with myself and son were called upon it before the Governor and Council, and after some hearings Hutchins committed to gaol for Treason, without bayle to be admitted until he should produce the copies of the Addresses, which they were pleased to call libells ; myself and son were both of us bound over by recognizance, each of us in  $1,000l.$  with  $500l.$  surety, to appear at the next Superior Court in April terme to answer an Indictment on Information then and there to be exhibited against us. These proceedings startled and vexed all the Gentlemen that had signed these Addresses to a very great degree, and some of them told the Governor and Judge, as opportunity offer'd, that they had signed those Addresses, and would maintain it to be their right and liberty as free-born subjects soe to doe. And it being considered by them that Capt. Hutchins was to be admitted to bayle if he produced the copies,

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which he could not doe, he having kept none, myself was thereupon perswaded, together with Phillip French, Rip Van Dam, and Capt. Thomas Wenham to address the Governor and Council, which accordingly was done in his behalfe, owning that the copies of the said Addresses were in our custodies, etc., whereupon I myself was committed for High Treason, and my other three Companions, time allowed them for six dayes to consider, and then to produce the said copies upon paine of imprisonment. I observed by what I was charged with before the Governor and Council, that my chief crime was grounded for addressing the Lord Cornbury (who I was told was not to come over for our Governor) which was a disowning of the present authority, and casting off H.M. Government as it is now establisht. The third day after my commitment, Capt. Bond happily arrived, who brought us the comfortable news that my Lord Cornbury was ready to come out for this Government at his sayling from England. And I understand since that my other three Companions, upon their last hearing two dayes since, who, persisting in their refusal of producing the copies, were only bound over to be prosecuted by the Attorney General, and that the Attorney General has given it under his hand to the Governor and Council, that for what he had seen sworn against myselfe, he found noe ground or cause of commitment. A whole Company of Militia guards our Prison day and night, I suppose to give some colour as if there was great danger of a rescue. Gentlemen, by these proceedings my friends may perceive in what manner the envy of the Leislerian party, being now in the seat of Government here, have prevailed against me, to have that Act of Assembly twisted and strayned, contrary to the true intent, genius, or meaning of it, and only contrived to cut me off, which I'm sure they'l pursue for to effect to the very utmost if possible; I having been all along, as is well known, the principall object of their malice, and chiefly marked out by them for destruction, God forgive them. As for myself, I am not conscious of any guilt or crime in the matter, being confirmed therein by all the Councill I yet have met with, and perticularly by that Act of Parliament, anno primo *W. & M.*, declaring the rights and liberties of the subjects, it is declared that it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal . . . I thank God for his gracious support and assistance in an extraordinary manner; and though it shall please Providence to suffer mee to be made a sacrifice to their cankered envy and hatred, I shall always endeavour to submit, etc. *Signed, N. Bayard. From the Gaol in New York, Jan. 28, 170 $\frac{1}{2}$ . Same endorsement. Copy. 3 pp.*

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343. vii. Samuel Bayard to Henry Adderley and Col. Charles Lodwick. *The son of Nicholas Bayard gives an account of events described in preceding, adding :—*“ Not above a day after the prisoners were in custody the Judge and several others moved for a Special Court to make an end of the work begun, whereupon many of the chief merchants intended to quit the town, but it pleased God that the same time as the Council was sitting (as I have reason to believe to order a Special Court) that Capt. Bond arrived, when the River was full of eyes with the news of my Lord Cornbury’s intentions to follow him within a weeke, which news I believe has been the saving of many a man’s life, for noe Special Court is more talkt of, nor the other three Gentlemen any further molested. Jan. 28. Having a day’s time, I have received the enclosed out of gaol, wherein I find father’s information [*above*] is not perfect, for the three Gentlemen were at first three days’ time given to produce the copies, and, after that, six days longer, and then not bound over, but only told that orders should be given to the Attorney General to prosecute them, when he had already before declared under his hand his dislike to all their proceedings, and altho’ the envy of his enemies are boundless, nevertheless, if Judge Atwood and Mr. Weaver had not drawn in the rest, wee had not been in this condition. Exceeding great and arly [*? early or hourly*] pains has been taken to engage Lawyers to prosecute the Prisoners, but cannot hear of any that will be concerned in any manner of way ; even the Judge’s son has taken a fee for the Prisoners. I have been told by Gentlemen who have discoursed the Judge concerning the Mittimus’s, and the construction he puts on the words “ inciteing the people to disown the present authority and cast off H.M. Government ” is the Addresse to my Lord Cornbury, and that he has incited the other three Gentlemen to sign the enclosed petition to the Governor, wherein, according to his constructions, they disown the present authority in these words “ who we understand by certaine advice we have received from England to bee nominated by H.M. to succeed the late Earl of Bellomont as our Governour.”

As for the signing of the soldiers, only Capt. Matthews and two Serjeants, Cravence and Richardson, subscribed the Addresses in presence of father and myselfe at the Coffee-house, the two first are freemen and innkeepers in this City, and the latter lives and pays his rents for a house in Towne, who all came in of their own accord, or perhaps being spoke to by any of the rest that had subscribed, but never discoursed or sent for or inticed by either father or myselfe. The Proclamation is published, but not fixed up nor to be had at the Printers.

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I cannot answer any of yours received by Bond, for I dare not keep any letters or papers in the house, for fear of having the same seized and construed to your prejudice. *Signed*, Saml. Bayard. *Same endorsement.*  
 $3\frac{3}{4}$  pp.

343. viii. Samuel Bayard to Henry Adderley and Col. Lodwick. I crave you for God sake to be stirring in this our misfortune, and if thought feazable by you to address H.M., setting forth the burthens we live under for addressing him, etc. *Signed*, Sam. Bayard. *P.S.* Before signing the Addresses we had not only the advice of the most experienced Lawyers amongst us, but also the concurrence of three of the present Members of Council, Schuyler, Levingston, and Smith, the two first by subscribing the same, with all the Justices of the Peace of Albany except the Mayor and Recorder, who are of the Governor's appointment, some of the Justices of the Peace of the Counties of Richmond, Westchester, Suffolke, and Oringe, with all or nearly all the 16 descending Assemblymen duly elected for the present Assembly. N. Yorke, Jan. 29, 170 $\frac{1}{2}$ . *Copy.* 1 p.

343. ix. Copy of Address of the English, French and principle Dutch Protestant Inhabitants of the City of New York to the King. We, your Majesty's most loyal and obedient subjects of the Province of New York, having certaine advice that the King of France hath against your Majestie's undoubted right publickly proclaimed in the Kingdom of France the pretended Prince of Wales to be King of England, Scotland and Ireland, do with hearts full of just concern and steady resolution humbly pray your Sacred Majestie will confide in our repeated assurances to persevere in our duty and affection to your Royal person and Government, notwithstanding the many false Representations have been made of us. And when we shall receive advice that your Majesty has proclaimed war with France or any other your Majesty's enemies, we do assure your Majestie we will endeavour to the utmost of our power to support your interest and honor, as we have done in all the last war, and will chearfully undertake the burthen and fatigue of a new one, etc. *Signed*, Hendrick Metselaw, Wm. Moss, Wm. Robinson, Geo. Stanton, B. Bayard, Richd. Overin, Saml. Loveridg, Jno. Scott, Robt. Watts, Will. Glenero, W. Janeway, John Daly, Wm. Haywood, Henry Howse, Joseph Arrosmith, Tho. Ellison, Peter Morin, David Lyell, Robt. L. Hooper, Joseph Mallinson, Antoney Farmer, Robt. White, Barth. Le Roux, James Bayard, John White, James Wells, Jno. Tuder, jnr., Robt. Lurting, Robt. Anderson, Jno. Crooke, Jos. Wright, Wm. Huddleston, Wm. Teller, Jno. Shepperd, Jan Vinsent, Jno. Finch, Wm. Digges, Danl. Maddin, Anth. Yealloton, Jos. Cleator, Ebenezer Willson,

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W. Cortland, Francis Vincent, Rip Van Dam, Wm. Smith, Danl. Crommeline, Thos. Davenport, Robt. Skelton, Thennis Dekey, Peter Baunel, Giles Gaudmeau, Lawrence Read, Elias Boudinet, Andrew Stucke, P. White, Wm. Chisnall, Johannes Kip, Jno. French, Tho. Worden, Francois Hullin, Benja. Aske, Ov. Swieten, Saml. Bayard, Matthew Ling, Nathl. Marston, Benja. Fanuel, Richd. Willett, Thos. Burroughs, Stephen Lanney, Will. Morris, Jeremiah Tashill, C. Wolley, John Cholwell, Phill. French, Saml. Bartt, Augustus Lucar, Jno. Ellison, Saml. Vetch, Thos. Wenham, J. Jansen, Paul Drollet, David Jamison, John Corbett, Wm. Anderson, Augustus Jay, Louis Carre, Johannes Cortlandt, John Barbarie, Michll. Handon, Peter Lackman, Caleb Cooper, Walter Thong. *Same endorsement. 1 large p.*

343. x. Copy of a Proclamation for quieting the minds of the people. New York, Jan. 24, 170 $\frac{1}{2}$ . *Signed, John Nanfan. Same endorsement. 1 p.*

343. xi. Petition of Ten Members of the Assembly of New York to the House of Commons. Since the death of the Earl of Bellomont, the Lt.-Governor by advice of the Council did call a General Assembly, to which the subscribed were returned for their respective precincts and counties. The Town of Westchester, chiefly (of) English inhabitants, had no writ directed to them [though] they are entitled to have a member to represent them by Charter. The number of Representatives returned is in all 21, who in choosing a Speaker were divided, and by one voice the choice fell on Abraham Gouvernour, who, being presented to the Lieut.-Governor, was appro[ved]. Amongst other things, the Lt.-Gov. recommended to the House to proceed upon the King's service without heat or animositys, but to the contrary, some of the members of foreign extraction, so soon as we were returned to the House, moved that it might be put to the vote to throw out two of us, being principle Freeholders and inhabitants of their respective Counties on colour of non-residency, without any complaint exhibited in writing or otherwise by any person pretending to be injured in the Election, or Sheriff's return, or of any of the Freeholders interested in these Counties, which unjust and irregular proceeding we cannot but judge to proceed from some corrupt private design, and being conscious to themselves of their own disability. And enquiring further into the causes of these measures, we found the Speaker to be an Alien, neither deniziz'd, naturaliz'd, nor in these Territories at the time of the surrender to the English Dominion. Petitioners objected his inability to serve in that station to the House, humbly supposing whatever Act should passe would be void, and so render us altogether unserviceable both to the King and our Country, which

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being violently opposed by an equal number (whereby it could receive no decision) we thought it out duty to attend the Lt.-Gov. and acquaint him therewith, which we accordingly did. Notwithstanding this the ten other members with the alien Speaker have proceeded to sit and act without us, and the better to effect their sinister ends have voted some of your Petitioners to be expelled without any just or legal cause, and give us apparent reason to apprehend they will proceed to take other methods suitable to their aversion to the publick English interest, and greatly prejudicial and destructive to the rights, liberties and propertys of the inhabitants of these parts, all which we are informed are against the English laws and common right, which we humbly offer to the consideration of this Honorable House, praying we may have such relief as is agreeable to your great justice, etc. *Signed*, K. V. Renselaer, Mathew Howell, Joseph Purdy, W. Nicoll, Danl. Whitehead, J. Abeel, Dirck Wessells, M. Schuyler, John Drake, John Jackson. *Same endorsement. 2 pp.*

343. xii. Copy of Remonstrance of Thomas Willett, John Talman and William Willett to the Assembly of New York. Sept. 13, 1701. We being elected in Queen's County in the room of others to serve in this General Assembly, doe give our attendance, and having taken the oath, Test and Association, to testifie our readinesse and zeale for the service of H.M. most sacred Majesty and our country. The complaints and clamours of the people are so great that we think it very necessary and meete before wee proceede to act with you, that wee and the people whom we represent have full satisfaction that you are a house legally and rightly constituted, without which it can never be expected that we can safely proceed, nor the people give their cheerful obedience and think our acts binding. And that wee may not be wanting in our duty in this respect to His most sacred Majesty and our Country, wee presume, Gentlemen, to acquaint you that it is the common report of the people and wee are credibly informed, that some of you have used very indirect and unwarrantable meanes to procure yourselves to be elected and returned as Members of the Assembly. And that on Aug. 20 last, the House consisting of 21 persons, whereof the Speaker was one, ten of the number did in the House challenge the Speaker to be unqualified, for being an alien, and afterwards did represent the same to the Governor, which they have also given under their hands, upon which head the House being equally divided could give no decision. It appears by your votes that some of you, with the Speaker thus circumstanced, have proceeded to act, and to strengthen your number have voted out some of the other tenn,

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and taken in two others in their roome, who are said not to be elected by the people, and that you are preparing to make a Bill to deprive many of H.M. English subjects from their native right of voting for Assemblymen and the people in each respective County from chusing persons to examine their own publick debts, all which are against the rights and priviledges of H.M. freeborne English subjects and the Laws of England and this Province. And so, Gentlemen, we are humbly of opinion that all the above-mentioned Articles are not for H.M. service, nor the well-faire of this Province, but absolutely destructive to the same, and till you give us further satisfaction and the Speaker clear himself from being an Alien, we cannot act with you, to sit and spend our time, and the country's money to make Acts that will be void in themselves. *Signed*, Tho. Willett, Jno. Talman, Wm. Willett. *Same endorsement*. 2 pp. [C.O. 5, 1047. Nos. 39, 39.i.-xii.; and (without enclosures), 5, 1119. pp. 82-91.]

April 16. **344.** George Larkin to the Council of Trade and Plantations.

*Barbados.* I was obliged, for want of the conveniency of a passage to any part of the West Indies in the severity of the winter, to return from Virginia to New York by land, where I had the opportunity of being present at the trial of Col. Byard. The proceedings against him seemed to me to be very extraordinary, which has created a strange confusion in that Province, and I am afraid will be the ruin and destruction of the prettiest settlement upon the continent of America, if some speedy care be not taken at home for putting a period to the unhappy differences betwixt the two parties. It can never be done there, for it's the interest of a Governor rather to foment then reconcile such animosities, and he is soon made sensible of it. I arrived here on the 6th, having settled the forms of proceedings with the Commissioners and done what else is necessary for the holding of Admiralty Courts. Here are no pirates at present in custody, and I cannot learn that there has been any lately upon this coast, and now I only wait the opportunity of a passage to Antego. Here is an account that the *Sun* prize, whereof one — Briscoe was Commander, took some pirates off of the coast of Guinea, and released them for 20 negroes a-piece, and at Cape Mountserado they carried off 20 negroes for which nine white men are seized. I humbly take leave to lay before your Lordships a copy of a Memorial delivered to the President and Council of this Island, by Capt. Bertie, Commander of H.M.S. *Betty*, which is but one of a great many hazards I have undergone in this service, which I hope you will be pleased to take into consideration. *Signed*, Geo. Larkin. *Endorsed*, Recd. June 29, Read July 22, 1702. 1½ pp. *Enclosed*.

**344. i.** Memorial of the Hon. Peregrin Bertie, Commander of H.M.S. *Betty* now in Carlisle Bay, to the President and Council of Barbados, April 13, 1702. On March 31, 1702, Capt. Bertie espying the sloop *Friendship*, Thomas

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Balgay Master, at sea, sent his pinnace to know from whence she came, and being informed that she was loaded with French sugars put aboard at Dominico by Frenchmen in French sloops from Martineque, ordered his officers to go on board and detain her from landing any of her goods or delivering of any papers until information given to the President and Council of Barbados. Soon after the sloop coming to an anchor, some persons interested in the sugars, showed Capt. Bertie a permit signed by one Samuel Cox, one of the Commissioners of Customs for this Island, to unload the sugars on board her, and within some few hours afterwards Cox coming on board with Jacob Stephens, one of the waiters belonging to the Customs, ordered Stephens to seize the sloop and to fix the broad arrow thereon, since which seizures the said sugars are unloaded and the ship set at liberty without any prosecution ordered by Cox.

On April 6, Capt. Bertie espying another vessel at sea which proved to be the *Margt.* sloop from New York, sent his longboat and pinnace to know from whence she came, but before either of the boats could get aboard the sloop, Mr. Cox went off in a small boat and rowed by the vessel, and bade the Master make the best of his way and not take notice of the man-of-war; that the Capt. would ask him to see his papers, but to shew him none. Capt. Bertie observing that the sloop took no notice of H.M. colours or of the boats coming towards him, fired a shot to bring him to, which grazing astern had almost accidentally taken off Mr. Larkin, a passenger. Of what ill consequence things of this nature, besides the diminution of that honour and respect that's due from all ships coming into any of H.M. ports, Peregrine Bertie doth present to the President and Council of this Island, to do therein according to their wisdom and judgment, being obliged speedily to depart this Island. *Signed*, Per. Bertie. *Endorsed*, Recd. June 29, Read July 22, 1702.  $1\frac{3}{4}$  pp. [C.O. 28, 6. Nos. 52, 52.i.; and 29, 8. pp. 110-116.]

April 16. **345.** Journal of Council of Trade and Plantations. Mr. Whitehall. Mr. Lodwick and Mr. Adderly presented several papers in behalf of Col. Bayard, and were appointed to call on Wednesday, in order to the taking the same into consideration. Mr. Champante to have notice to attend also.

Further progress made in the Representation upon the state of defence of the Plantations.

April 17. The above Representation and a Representation upon the Address of the House of Commons relating to the  $4\frac{1}{2}$  per cent. signed.

April 18. Ordered that Mr. Adderly and Mr. Lodwick be desired to lay before their Lordships a copy of the Address mentioned in their

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late memorial from some of the inhabitants of New York to the Lord Cornbury.

Letter to Lord Cornbury ordered to be prepared desiring him to send an account of the state of the masts and timber provided by Lord Bellomont at New York for the service of H.M. Navy, and that he acquaint the Navy Board how they may be best sent for England in order to their directions thereupon. [C.O. 391, 14. pp. 413-418; and 391, 96. Nos. 67-69.]

April 17. **346.** Order of Queen in Council. Ordered that the Council of St. James's. Trade and Plantations do make a further report to H.M. upon the Address of the House of Commons for applying the duty of  $4\frac{1}{2}$  per cent., arising in the Charibee Islands, towards the fortifications and other publick services within the said Islands. *Signed*, Edward Southwell. *Endorsed*, Recd. Read April 24, 1702.  $\frac{3}{4}$  p. [C.O. 28, 6. No. 53; and 29, 8. pp. 5, 6.]

April 17. **347.** Order of Queen in Council. This day the several Proprietors of East and West New Jersey in America did in person present a deed of surrender by them executed to H.M. in Council, and did humbly desire H.M. to accept the same that it might be enrolled in the Court of Chancery, whereby they did surrender their power of the Government of those Plantations, which H.M. graciously accepted, and was pleased to order, as it is hereby ordered that the same be enrolled in H.M. said High Court of Chancery, and the said Instruments are to be delivered to Mr. Attorney General, who is to take care that the same be enrolled accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read May 28, 1702.  $\frac{3}{4}$  p. [C.O. 5, 1261. No. 82; and 5, 1290. pp. 11, 12.]

April 17. **348.** Council of Trade and Plantations to the Queen. *Repeats state of defence of the Plantations represented to the King Jan. 24, with additions arising from letters since received. Newfoundland.* We are humbly of opinion that 100 firelocks be sent by the first ships, with powder and ball, to be delivered out by the Storekeeper in exchange for those that are unserviceable. *Massachusetts Bay.* Refer to Reports of Col. Romer, etc., and Addresses of Assembly given Cal. 1701. Upon which we humbly offer that your Majesty would be pleased to send thither some cannon and such a quantity of the small arms demanded as your Majesty may think fit, with the Governor appointed for that Province, your Majesty having already by your Instructions directed him strictly to admonish and require the inhabitants to exert themselves as well in fortifying those parts as in providing what may be necessary in all respects for their further defence. With regard to Governor Dudley's proposal, we cannot think it advisable in the present conjuncture to weaken the Province of New York by drawing any of the soldiers from thence, but that it would be for your Majesty's service that 150 men with a good Commander and subordinate officers, who may assist the inhabitants in the defence of those parts and instruct them in the use of arms,

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be sent to New England, according to the proposal of Col. Romer and the desire of Col. Dudley.

*Connecticut* being likewise a frontier province to the French, and *Rhode Island* a considerable Colony with a good Port and Harbours, and the inhabitants of both those Colonies having been negligent of their own security, we humbly offer that your Majesty would direct them to make due preparations against an attack, and to be ready to assist their neighbours of New York and New England.

No part of the 2,000*l.*, ordered by His late Majesty to be remitted to New York for the fortification of *Albany* and *Schenectady*, having been yet issued, we humbly offer that your Majesty would give such effectual orders to the Lords Commissioners of the Treasury, that the money be speedily remitted for that service, which we conceive to be absolutely necessary in this juncture. *Repeat information as to the Fort in the Onnondage Country and the matter of the Quota [see Cal. 1701].*

Upon your Majesty's taking the *Jerseys* into your hands, fitting care may be taken for the security of those parts, which under the present circumstances cannot be duly provided for. *Pennsylvania* is likewise without fortifications and in no state of defence, nor has any progress been made therein by the Proprietor, notwithstanding his promises and our frequent instances to him on that subject, but we have again called upon him in order thereunto, and are expecting his answer. In *Maryland* is a Militia well-regulated and armed, Magazines built for stores and places of rendezvous appointed for any occasion, and the Governor having lately prevailed with the Assembly to pass an Act obliging every planter to give a gun to his manservant when free, the whole country by that means will probably in a little time be completely armed. As to *Virginia*, the Governor has informed us that he found the Militia in a very ill condition, with relation to arms and stores of war. The Horse, consisting of 2,143, and the dragoons of 1,985, lack 3,000 case of pistols and 3,500 carabines. The Foot consisting of 4,971, lack 500 firelocks. And for the whole are wanting 5,000 swords besides powder and ball, with all materials for fireworks and fitting up of fire-ships, together with some hand-mortars and granadoes suitable for them, as also that two firemasters be sent. Which particulars the Country ought to provide at their own charge. But in regard of the great importance of that Colony to your Majesty's Revenue and to the Trade of this Kingdom, and in consideration of the present conjuncture, and that such arms and stores cannot be provided in America, we humbly offer that your Majesty order the arms and stores above-mentioned, or such part of them as may be provided out of your Majesty's Office of Ordnance, as likewise 100 barrels of powder and ball for small arms, to be sent to the Governor, to be delivered out by him, as he shall see occasion, and that he be directed to take the best care he can, as they shall be delivered out, that the Office of Ordnance be reimbursed the charge, and that the said arms be not embezzled, but kept in good order by those to whom they shall be delivered.

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It would very much conduce to your Majesty's service, if a Store-keeper were sent to this Colony (as well as to others) who may be accountable for such arms and ammunition as your Majesty shall send from time to time.

The Provinces both of Maryland and Virginia (being large territories and lying open by great Rivers) cannot be secured by fortifications, and are therefore no ways able to defend themselves against an attempt of an enemy by sea, unless it shall please your Majesty to send a sufficient squadron to cruize in those parts from the beginning of April to the end of October (the time of the greatest danger), which we humbly conceive will in like manner be a security to the rest of your Majesty's Colonies on the Continent and Islands adjacent.

*North and South Carolina* are under Proprietors, who do not take due care to put that country into a state of defence, notwithstanding their being so exposed by the neighbourhood of the Spaniards. We therefore judge it necessary to the publick service that the said Proprietors be quickened by an immediate order from your Majesty to perform their duty therein. The *Bahama Islands* lying before the Gulf of Florida, and in the way of all ships that come from the Havana, and the Bay of Mexico, it is of great consequence to your Majesty's service that they be preserved from an enemy. Governor Haskett desired some force to keep the fort there. We are humbly of opinion that the Proprietors should take care in this matter, and that your Majesty would be pleased to signify your directions to them accordingly. And Governor Haskett having been since seized by the people, the Proprietors should be directed to take due care about sending another who may have your Majesty's approbation, as by Law is requisite. The *Bermuda Islands* we hope by Capt. Bennett's care and the arrival of the Stores lately sent, and the Company of Foot which your Majesty has there, may be in a good state of defence. *Jamaica.* See Jan. 25. *Leeward Islands.* *Col. Codrington's reports are given and his demands for guns, etc., are recommended.* *Barbados.* See Jan. 24. We humbly offer our opinion that such a number of great guns as your Majesty may think convenient, together with a quantity of small arms and ammunition, whereof we are daily expecting an account from the Agents of that Island, be speedily sent thither, which expence may be defrayed out of the 4½ per cent. arising in that Island; that such of the present Forts and Fortifications as may be most useful, be forthwith repaired under the direction of Commissioners to be appointed by the Governor and Council there, and that an able Engineer be sent from hence for that purpose; that magazines be built for the better preservation of powder and other Ordnance Stores, towards which your Majesty may be also pleased to allow a competent sum out of the said duty. And when these and other necessary and publick services, mentioned in the Act for granting that Duty to the Crown, shall be provided for, we further humbly offer that part of the said duty be likewise applied towards the building an Hospital for sick and wounded seamen,

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as has been desired by the said Agents. And whereas we have received a letter from the President and Council of that Island, wherein they humbly pray that in case of war a Regiment of Foot may be sent thither, we humbly submit that matter to your Majesty. *Hudson's Bay, etc.* See Jan. 24. *As to the Proprieties concludes* : we do humbly offer that for the present your Royal Letters be sent to the several Proprietors and Charter Governments, requiring them to put themselves into a posture of defence against an Enemy, from whence nevertheless, we cannot hope for a due compliance until those Colonies be connected to the Crown ; and that all your Majesty's Governors be required by other Letters to take care that the Militia under their command be well armed and disciplined, and that the value of the arms to be delivered out of your Majesty's Stores in the Plantations from time to time be reimbursed to your Majesty by the persons to whom they shall be delivered. *Signed*, Stamford, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 324, 8. pp. 116-145.]

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Whitehall.

**349.** Council of Trade and Plantations to the Queen. In obedience to your Majesty's commands signified to us by the Right Honourable Mr. Secretary Vernon upon an Address of the House of Commons, that the duty of  $4\frac{1}{2}$  per cent. in Barbados and the Leeward Islands may be applyed for the repairing and erecting fortifications and for such other publick uses for the safety of the said Island, as your Majesty shall direct ; we have considered the same and thereupon humbly offer, that having by a report of the 24th of January last represented to his late Majesty the present state of Barbados in relation to its defence upon the information we had received on that subject from the Lord Grey or the Agents of the Island, by which it did appear that upon a strict survey of the fortifications made by his Lordship and Commissioners appointed for that purpose he found (in twenty-nine forts and batteries) three hundred and eight gunns of several sorts, of which fifty-eight only were serviceable, and that most of the forts and batteries were out of repair ; upon which his Lordship having also consulted with the most experienced inhabitants of the island, offered his opinion, that such of the forts and batteries as may be most usefull be forthwith repaired, and that there be sent thither at least a hundred great gunns of twelve foot long, together with a suitable proportion of shot and all other ordnance stores needfull for them ; adding that there is a want of small arms and shot ; we therefore humbly repeat our opinion, that such a number of great gunns as your Majesty may think convenient together with a quantity of small arms and ammunition (whereof we are dayly expecting the particulars from the Agents of that Island) be speedily sent thither ; and that this expence be defrayed out of the duty of  $4\frac{1}{2}$  per cent. arising there. The said Agents proposing also that the present forts and fortifications be forthwith repaired, we are humbly of opinion that the same be done under the direction of Commissioners to be appointed by the Governor and Council there ;

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and that an able Engineer be sent from hence for that purpose ; as likewise that magazeens be built for the better preservation of powder and other Ordnance stores, for which we humbly offer that your Majesty would be also pleased to allow a competent sum out of the said duty of  $4\frac{1}{2}$  per cent. As to the defence and security of the Leeward Islands, we humbly represent to your Majesty that there are divers forts and platforms in each of those Islands, and that several great guns, carryages, repairs of fortifications and small arms are wanting (as in another representation we now lay before your Majesty) upon which we humbly offer that this duty of  $4\frac{1}{2}$  per cent. arising in those islands be applyed towards the performance of those services. And whereas we did represent to his late Majesty in our Report of the 29th Aprill last, that upon divers complaints relating to matters of Trade and Justice in the Plantations, we had observed that your Majesty's Governors receiving presents from the General Assemblies there dos render them precarious and too much dependent on the people ; and having thereupon humbly proposed that the Governors of all the Plantations be forbid the receiving of any presents or gratuities, and that for the better enabling them to support the dignity of the Government, an addition be made to the salaries of some of them (where it may be needfull), we find reason to continue in the same opinion. And your Majesty being now graciously pleased to apply the whole duty of  $4\frac{1}{2}$  per cent. arising in Barbados and the Leeward Islands for the safety and publick uses of the said Islands (the neat proceed whereof in Barbados has one year with another amounted to about 10,000*l.* sterling, and in the Leeward Islands to about 3,000*l.* sterling per annum) we humbly conceive that nothing can more conduce to the safcty and welfare of those Islands, than that the Government there be so established that the Governors may not depend on the voluntary gifts and presents of the Assemblies for their maintenance ; but that a sufficient salary be appointed for their support and the dignity of the Government without any other dependence than upon your Majesty. And whereas the salary of the Governor of Barbados at present is no more than twelve hundred pounds sterling per annum paid out of the  $4\frac{1}{2}$  per cent. arising there, which has been judged not sufficient for his support, provisions there being very dear and the way of living very expensive (upon which consideration the several Governors have been permitted to receive presents made them by the Assemblies) we do think it for the good of the Island, the interest of England in reference to Trade and the administration of Justice in those parts, that your Majesty be pleased to add the summ of 800*l.* sterling per annum to the present salary of the Governor of Barbados, out of the said duty of  $4\frac{1}{2}$  per cent ; which together amounting to 2,000*l.* sterling may be a competent maintenance for him, and render him no longer dependent on the people there. And we humbly offer that your Majesty doe thereupon signify your express pleasure that no Governor, Lieutenant-Governor, Commander-in-Chief or President of the Council of Barbados for the time being, do

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hereafter receive any gift or present from the Assembly, and likewise that the Assembly do not make any such gift or present to him or any of them, upon any account whatsoever; except only that whereas there is no house appointed or set apart for your Majesty's Governor in Barbados, and that it has been customary for the Assembly to make a temporary assignment of a house for the residence of the Governour, or rent for the same, out of the publick levies; we are humbly of opinion that untill a house be built for the Governour, your Majesty may be graciously pleased to permit the Assembly to assign a house or rent for the same, not exceeding 300*l.* sterling per annum out of the levies to be made by them, and to allow the Governour to accept thereof, notwithstanding what has been before offered, provided always this be done at the first session of the Assembly after such Governour's arrival; and that it be continued by the said Act or order for the whole time of his government. And we doe thereupon humbly observe that the foresaid encrease of salary being supplied by your Majesty out of the duty of 4*½* per cent., the Assembly of Barbados will have an opportunity and be in a condition of applying those large sums, which they usually gave in presents by yearly levies to their Governours, towards the more speedy building an hospital for the reception and accommodation of sick and wounded seamen and soldiers, which the Agents of this Island have represented to us as necessary, and towards other publick uses, which may be of a lasting benefit to the Island. As to the Governours in the Leeward Islands, we likewise humbly represent to your Majesty, that the present salary of the Governour in Chief of those Islands arising out of the 4*½* per cent. there being no more than 700*l.* sterling, the insufficiency of which salary has been the reason (as in Barbados) that the Governours have been permitted to receive presents from the General Assemblies of those Islands, which has rendered them likewise precarious; we think it for your Majesty's service that your Majesty be pleased to add the summe of 500*l.* sterling per annum to the present salary of the Governour in Chief of the Leeward Islands out of the duty of 4*½* per cent. there, which together amounting to twelve hundred pounds sterling may be a competent maintenance for the said Governour and free him from any dependance on the people. And whereas beside the forementioned Governour in Cheif of all the Leeward Islands there are particular Lieutenant-Governours of each of the said Islands, vitz., of St. Christopher, Antego, Nevis, and Mount Serrat, who have no established salaries, we humbly conceive that if your Majesty would be pleased to appoint the sum of two hundred pounds sterling per annum to each of your Majesty's Lieutenant Governors in those Islands out of the said duty of 4*½* per cent. or any other fund, it would likewise be for your Majesty's service and the interest of this Kingdom in point of Trade, and otherwise in freeing such Governours from their obligation to the Assemblies, and thereby enabling your Majesty to send from hence fit persons for those commands, without being obliged to make use of planters and merchants inhabiting there; whose

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business and private interest may too easily divert them from the due care necessary to the discharge of that trust. And we humbly offer that your Majesty would also thereupon signify your express pleasure, that no Governour, Lieut.-Governour, Commander-in-Chief or President do hereafter receive any gift or present from any of the Assemblies of the said Islands; and that no Assembly do make any such gift or present to any Governour, Lieutenant-Governour, Commander-in-Chief or President upon any account whatsoever, except only that the Governour in Chief and Lieutenant-Governours may be permitted to accept of a house, or rent for the same, from the severall Assemblies in the same manner and under fitting limitations as proposed for Barbados. By which means the severall Governours being thus provided for, we humbly conceive the Assemblies of these Islands will likewise have an opportunity of applying those sums, which they frequently give by publick levies to their Governours, towards the charge of fortifications, stores of warr and other publick uses. But this duty of  $4\frac{1}{2}$  per cent. in the Leeward Islands arising usually to no more than 3,000*l.* per annum, which same will not be sufficient to defray these expences and others that are continually necessary in this conjuncture, we humbly leave it to your Majesty's royall consideration by what other means and ways of supply the safety of those Islands, which are of so great importance, may be further provided for. And as we have humbly represented it to be for your Majesty's service that the salaries of the Governors of Barbados and the Leeward Islands being settled, those Governours may no longer be obliged to the Assemblies, but depend entirely upon your Majesty, we further offer that there being in Jamaica an establishment of 2,000*l.* per annum current money of that Island, arising from the revenue there, the same may be made up 2,000*l.* sterling, and that the like directions be given herein as in Barbados and the Leeward Islands. The salary of your Majesty's Governour of Virginia being 2,000*l.* sterling, and that of the Governour of Maryland being about 1,500*l.* sterling, we conceive those summs sufficient for the maintenance of those Governours [and] are humbly of opinion that the like directions be sent to those Colonies. And it seems to us no less expedient that the severall Governours and Lieut.-Governours of New England, New York, and Bermudas, and of such other Colonies as may come under your Majesty's immediate direction be liable to the same restrictions, as soon as sufficient salaries shall be established for their subsistance. *Signed*, Stamford, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 29, 7. pp. 507-517.]

April 17. 350. Lt.-Gov. Partridge to the Council of Trade and Plantations. In obedience to your letter of Dec. 22, 1701, I have ordered the Secretary forthwith to transcribe all the Laws of this Province now in force here, which I shall send by the first convenient opportunity. Nothing since my last hath occurred here worthy your notice. H.M. good subjects, the inhabitants of

New  
Hampshire  
in  
New England.

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this Province, doe with all humble gratitude acknowledge his great favour in appointing Col. Joseph Dudley to be our Governor, etc. *Signed*, Wm. Partridge. *Endorsed*, Reed. Read July 6, 1702. *Holograph*. 1 p. [C.O. 5, 862. No. 108; and 5, 910. pp. 224, 225.]

April 17. **351.** Minutes of Council of New York. Ordered that a resolution of the Council in relation to Mr. Barnardus Freeman be communicated to him, and the several [? *petitioners*] in King's County.

April 18. Petition of Roger Baker read. Ordered that he be discharged from his imprisonment, first giving two securities to H.M. in 120*l.* for the payment of 120*l.* in six months.

Petition of Robert Sanders read, praying a patent to himself and Thomas Sanders, Johannis Bush, William Sharpas, and Joseph Cheator, for a tract of land in the County of Ulster, called by the Indians Oghgootocon, containing about 2,000 acres of profitable land besides wastes and woodland. Granted, and letters patents ordered to be prepared for the same under the quit-rent of 3*l.* 15*s.* 0*d.* per annum, provided that the same do not interfere with any patent land.

22*l.* 8*s.* 6*d.* paid to Isaac Dericem for cloth and other things for the barge crew against the late Lord Bellomont's arrival from Boston.

The Indian from whom Robt. Sanders and others purchased land in the County of Ulster according to a licence of March 5, appeared and acknowledged that the soldiers had purchased the said land from her. The Widow Bayard also appeared with her son, and informed the Board that the said Indian had given the same to her son, but not producing a deed of gift or sale, ordered that the Patent be recorded and delivered to the owners, notwithstanding an Order of Council, April 13.

The Collector nominating John Groenendyck to receive for him the quit-rents arising to H.M. in the City and County of Albany, the said person was approved of.

This Board being informed that one Edward Burroughs hath spoken words reflecting not only against the Governor, but against the late Earl of Bellomont, ordered that a warrant issue to the High Sheriff of Queen's County to bring him in custody before the Board. [C.O. 5, 1184. pp. 657-659.]

April 18. **352.** William Popple to Henry Adderly and Charles Whitehall. The Lords Commissioners for Trade and Plantations, observing that amongst the papers which you have laid before them relating to the imprisonment of Col. Bayard and Mr. Hutchins in New York, there is no copy of the Address prepared by them or others to be presented to the Lord Cornbury upon his arrival in that Province, which appears by the perusal of the other papers to be very necessary to be considered in order to their judgment on that matter, desire you to let them have a copy. [C.O. 5, 1119. pp. 91, 92.]

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April 18. Admiralty Office.

**353.** Mr. Burchett to Mr. Popple. Four ships being ordered to sail next month for the service of the Newfoundland Fishery, the Lord High Admiral desires to know what dispatches the Council of Trade and Plantations have to send, and whether they would please to have any alterations or additions to the Heads of Enquiry sent to the C. in C. of the last Convoy. *Signed*, J. Burchett. *Endorsed*, Reed. Read April 21, 1702. *Addressed*.

1 p. *Enclosed*,

353. i. Names of the four men-of-war bound to Newfoundland.  
 $\frac{1}{4}$  p. [C.O. 194, 2. Nos. 72, 72.i.; and 195, 3. p. 73.]

April 18.

**354.** Minutes of Council of Virginia. Whereas some late advices from Europe give ground to believe that before this time H.M. hath declared war against France and that a further account thereof may be daily expected, and forasmuch as it is judged absolutely necessary for H.M. service that upon the first notice of a war being proclaimed, the General Assembly should meet in order to the putting this Colony in a posture of defence, H.E. and the New Council think fit to prorogue the General Assembly till May 13. Proclamation ordered accordingly. [C.O. 5, 1409. p. 209.]

April 20. London.

**355.** Henry Adderley and Charles Lodwick to William Popple. On Saturday last we received yours of 18th inst, as to the copies of those Addresses their Lordships desire. We have none, nor ever had any of either of them, as will appear by the copies of our letters from thence now before your Lordships. We humbly suppose that if any matter worthy the commitment be in any of those Addresses, the Gentlemen in the Government of New York have not bin so wanting to themselves as not to give their Lordships an account of it. *Signed*, Hen. Adderley, Charles Lodwick. *Endorsed*, Reed. Read April 22, 1702. 1 p. [C.O. 5, 1047. No. 40; and 5, 1119. p. 92.]

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**356.** Col. Quary to the Council of Trade and Plantations. By several letters received from Pennsylvania I have the following account: (1) That Anthony Morris, who as a Magistrate did give a warrant for the taking by force out of her Majesty's stores a parcell of prohibited goods which were under seizure, of which unlawful act an account being sent home to the Governour, Mr. Penn was ordered to turn the same Anthony Morris out of all offices and prosecute him for the crime. (2) That in obedience to his late Majesty's commands and the orders of this honourable Board, Mr. Penn did turn out the said Morris, to answer his turne for the present occasion, but hath now restored him again, and made him one of his chief magistrates. (3) That Mr. Penn hath in a late Charter granted to the people of his city of Philadelphia given to the Sheriffs almost all the powers of the Admiralty even to the Capes of the Bay under the pretence of Water Bayliffs. (4) That several vessels being lately seized, for breach of the severall Acts of Parliament, the Government have in open contempt of the Admiralty brought

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the information against the said vessels into their Courts of Common Law. (5) That Mr. Penn hath commissioned his kinsman, one Parmiter, to be his Attorney General, who is convicted of felony, perjury and forgery, as may appear to your Lordships from the records of the city of Bristol. (6) That about three years since there was a Dedimus, under the Great Seal of England, sent to Pennsylvania, empowering Edward Randolph, John Moore, Jasper Yeates, John Hollwell, Edward Chilton, Esq., and myself, or any three of us, to administer the oaths to all such persons, which from time to time should take upon them the government of Pennsylvania, and in case of our death or absence, then the Members of the Councill together with the principal Officers of the Customes had power to administer the said oaths according to law; that the said Dedimus was carried to the Secretary, to have it recorded in his Office and is forcibly detained by the Government of Pennsylvania from the said Commissioners on purpose to prevent them from executing the powers of the said Commission, and thereby persons have assumed the government without being qualified as the Law directs. (7) I do humbly propose that your Lordships will please to order that the Dedimus may be delivered to the Commissioners unto whom it is directed that so they may be enabled to obey his Majesty's commands, and answer the end of the Law. (8) That information hath been given to Coll. Hamilton now that the French are settling themselves on the back of Pennsylvania about four days journey from New Castle, that one Lewis Lemoizin, a Frenchman, who has lived many years in Pennsylvania and traded with the Indians, is run away to them with two Canada Indians that were sent as spys, to view the nakedness of that country; by which means the French will have the full knowledge of that country and its defenceless condition, which makes the inhabitants dread the consequence. *Signed*, Robt. Quary. *Endorsed*, Reed. Read April 20, 1702.  $1\frac{3}{4}$  pp. [C.O. 5, 1261. No. 83; and 5, 1289. pp. 436-439.]

April 20. **357.** Journal of Council of Trade and Plantations. Ordered that the Secretary write again to the Agents of Barbados for their answer for what has already been desired of them [April 4, *q.v.*].

Col. Quary presented a Memorial which was read. Ordered that a copy be given to Mr. Penn.

Mr. Penn attending according to appointment, upon the complaints that lie before the Board, relating to irregular proceedings etc. in Pennsylvania, Col. Quary was also again called in. Then the abstract of Information [April 16] on that subject was read, article by article, unto each of which Mr. Penn gave some account of those transactions, and further promised to lay before the Board an answer to that and the aforesaid Memorial in writing. Ordered that Col. Quary have a copy of the said abstract.

April 21. Capt. Povey acquainted their Lordships that he has received a Commission from H.M. to be Lieutenant-Governor of the Massachusetts Bay, which he shewed to the Board, and a copy

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was taken of it. He acquainting the Board that he was to imbark in a few days on board H.M.S. *Centurion* and that Col. Dudley is already gone down to Portsmouth to imbark in the same, ordered that the several letters in this Office now ready to be sent to H.M. Governors on the Continent of America be delivered to him for conveyance.

Letter from Mr. Burchett, April 18, read. Orders of Council, March 26, relating to Newfoundland, laid before the Board. Draught of Instructions for the Commodore ordered to be prepared, and that the letters now ready for H.M. Governors of the Islands be sent to Mr. Burchet.

Ordered that the Newfoundland Agent be sent for to inform the Board what progress has been made in the several Offices and otherwise, relating to the provisions, materials etc. to be sent to Newfoundland.

April 22. Mr. Thurston's reply to above read. He was directed to continue his care for the dispatch of all, and when done to lay before this Board a particular account of what shall have been sent from each Office ; and meantime to acquaint their Lordships on Friday or Saturday next whether the sending of a boom (as directed) do go forward or no.

Letter from Mr. Adderly and Mr. Lodwick read.

Draught of Instructions for the C. in C. of the Newfoundland squadron agreed upon and ordered to be sent to Mr. Burchet, in addition to last year's enquiries and papers relating to the complaint against Mr. Thurston.

Paper from Mr. Burchet, containing the names of H.M. men-of-war bound to Newfoundland, was laid before the Board.

The Memorial of Mr. Adderly and Mr. Lodwick, April 16, was taken into consideration. Copies of the warrants for the commitment of Mr. Hutchins and Col. Bayard ordered to be sent to Mr. Attorney General for his opinion.

Mr. Adderly and Mr. Lodwick and Mr. Champante attending, the two first explained that they have not received either original or copy of any of the three Addresses for which Col. Bayard and Mr. Hutchins are imprisoned, and that the two copies of an Address to the King and an Address to the House of Commons delivered to the Board amongst other papers, April 16, are of anciente date, and do not concern the matter now in question.

Directions given for preparing a Representation to H.M. upon this matter. [C.O. 391, 14. pp. 418-430 ; and 391, 96. Nos. 71, 72.]

April 20. **358.** Minutes of Council of Virginia. Draught of a Proclamation for a public Thanksgiving to be kept at the College of Wm. and Mary by the General Court and the Reverend Clergy on 23rd inst., and on May 7th by all the other Christian inhabitants, read and approved.

April 21. Major Arthur Allen took the oaths appointed as one of the Governors of H.M. Royal College of William and Mary. Robert Bolling, junr., sworn and confirmed as Surveyor of Charles City County.

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April 21. Upon the petition of Charles Bartelott, Commander of the [? 22.] *Virginian*, complaining that Capt. Moodie had impressed two carpenters brought into the country by the petitioner for building a brigantine, ordered that Capt. Moodie forthwith release them, unless he show cause to the contrary. [C.O. 5, 1409. pp. 209, 210.]

April 21. **359.** J. Burchett to Wm. Popple. Having not yet received Admiralty Office. the duplicates of orders lately sent by my Lords of the Council for Trade to the Plantations, and the two vessels appointed for carrying the same being ready to proceed, I thought it convenient to put you in mind thereof. *Signed*, J. Burchett. *Endorsed*, Recd. Read April 21, 1702. *Addressed*. 1 p. [C.O. 323, 3. No. 124; and 324, 8. p. 145.]

April 21. **360.** Order of Queen in Council. Referring enclosed petitions to the Lords Commissioners of Trade and Plantations for their report. *Signed*, Edward Southwell. *Endorsed*, Recd. April 24, Read May 4, 1702. 1 p. *Enclosed*,

360. i. Petition of Jeronimy Clifford to the Queen. The States General of the United Provinces by their Resolution Oct. 6, 1700, has granted petitioner liberty to remove his effects and slaves belonging to his Plantation from their Colony of Surinam to your Majesty's Plantations in the West Indies provided (1) that the ships for transporting them sail from the United Provinces, and (2) that security be given that they do not touch nor trade on the coasts of Africa within the limits of their Company's Charter. It is impossible for Petitioner to comply with these limitations, by reason that the Proprietors of Surinam at Amsterdam, having a contest with Petitioner for the injuries done him in their Colony, have deterred all his friends in Holland from hiring any ships to him or being security for him. So that Petitioner is never like to get his moveables and slaves from Surinam for to cultivate the land he bought at Jamaica in 1685 for that purpose. *Prays H.M.* to interpose with the States General to allow him to send a ship or two from England or Barbados for that purpose, and also to grant him the same liberty as they granted the English who went from Surinam in 1674, 1675, pursuant to the 5th Article of Peace, made in 1674 with Major Bannister, and Edward Cranfield, and to discount the debts owing to him in Surinam against those debts that he may come to owe in that Colony, since he came last from thence in 1695. *Signed*, Jer. Clifford. 1 p.

360. ii. Jeronimy Clifford to the Queen. On Dec. 3, 1698, Petitioner obtained a judgment in the Court of Chancery in Holland against William Schouton, a Dutch Merchant, decd., for 3,750 guilders with interest at 4 per cent. To the effectual payment thereof an unusual clause is inserted in the judgment, that Petitioner must

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give sufficient security to indemnify Schouton from all demands hereafter. The Proprietors of Surinam [*as above*] prevent his obtaining that security. Petitioner on Aug. 27, 1700, laid his case before the Lords Justices of England, who referred it to the King at Loo, who ordered Mr. Blathwayt, his Secretary of War, to transmit it to [Alexander] Stanhope, his Envoy at the Hague, with directions to get the judgment paid. But hitherto he has not been able. To prevent petitioner prosecuting them any further before your Majesty, all the rest of his moneys in Holland, and the produce of his Plantations in Surinam has been detained for above four years, whereby he is reduced to the utmost extremity and is like to perish. *Signed*, Jer. Clifford.

1 p.

360. iii. Jeronimy Clifford to the Queen. Petitioner being an inhabitant of Surinam, 1667, and entitled to the Articles of Capitulation then made upon the surrender of that Colony by the English to the Dutch. Pursuant to those Articles, Petitioner intended in 1687 to transport himself and his estate to Jamaica, but the Governor and Council of Surinam, contrary to the said Articles and the 12th Article of the Treaty of Peace between England and Holland 1667, and the 5th Article of the Peace of 1674, by an Order of their Court prohibited Petitioner to remove or dispose of his estate, and appointed Trustees over him to take an inventory of his goods and slaves for that purpose, after which arrest, they caused several vexatious and unjust criminal prosecutions to be made against him, and especially in a frivolous suit concerning the sale of a Negro slave, they ordered their Fiscall to prosecute petitioner's life and confiscation of his estate, but thinking that proceeding to be too scandalous for to be excus'd, they laid an extravagant fine on him, and condemned him to seven years imprisonment upon his own charge in their Fort, where Major Bannister was putt in the like manner, without admitting petitioner to bail or to appeal, where Petitioner continued under inhuman usage near four years, to the great damage of his health, trade and estate, and then was delivered by His late Majesty's most gracious intercession with the States General. By these violent and hostile usages, and many other such-like prosecutions at Surinam, Petitioner has suffered above 35,000*l.* sterl. damages, besides the loss of his health, and the personal injuries, for which he has delivered an exact account of all particulars, first to the Governor and Council of Surinam, 1695, secondly to the Proprietor of that Colony at Amsterdam, 1696, thirdly to the States General of the United Provinces, Sovereigns of that Colony, in 1697, but cannot obtain any satisfaction. The States General have refused to

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appoint Commissioners to examine his account of damages and granting him liberty to remove his effects and slaves from Surinam, which, according to the Treaty of Peace 1667, the damages ought to be redressed within 12 months after demands of Justice, and by the Treaty of 1674 passes for removing his effects, etc., ought to be granted within 15 days after demanded. Instead, the States General pretend to strip Petitioner of this birth-right of an Englishman, and they have put a stop to all his money in Holland and his effects in Surinam for above 3 years. *Prays for redress.* *Signed*, Jer. Clifford. *Endorsed*, Reed. March 26, Read April 21, 1702. 1 p.

360. iv. Copy of Jeronimy Clifford's claim against the Proprietors of Surinam [see preceding]. *Signed*, Jeronimy Clifford. Hague, Sept. 6, 1699. *Printed*. Dutch. 9 $\frac{1}{4}$  pp. [C.O. 388, 75. Nos. 51, 51.i.-iv.; and (without enclosure iv.) 389, 40. pp. 120-129.]

April 21. 361. Journal of Assembly of Bermuda. The House met and was adjourned till July 21. [C.O. 40, 2. p. 287.]

April 21. 362. William Popple to Mr. Burchett. Enclosing duplicates of Letters for the Proclamation of the Queen to be forwarded to the West Indies. The Duplicates of the Letters for the Continent which were sent you with the packet for Barbadoes, will be delivered to Capt. Povey, Lieut.-Governor of the Massachusetts Bay, who has acquainted this Board that he is to take his passage in H.M. ship now bound to those parts. As for the business of Newfoundland, the Lords Commissioners for Trade and Plantations are preparing a draught of some further Instructions to the Commander-in-Chief of the Convoy bound thither, to be added to the Heads of Inquiry, which will be sent to you in due time to be laid before H.E. the Lord High Admiral. [C.O. 324, 8. pp. 146, 147.]

April 22. 363. J. Burchett to William Popple. Acknowledging above. Admiralty Office. I shall send the packets to-night with orders to Capt. Thomas Legg, *Express* Advice-boat, to take to Barbadoes, and there stay till he has his dispatches from the Council, and then to return to England. The packet for Barbadoes I received March 21, was dispatched to Capt. Warren, the *Martin* ketch, the 25th following, that to Virginia was sent the same day I received your letter to Captain Dove, who commanded the squadron of ships gone thither. *Signed*, J. Burchett. *Endorsed*, Reed. Read April 25, 1702. *Addressed*. *Sealed*. 1 $\frac{1}{4}$  pp. [C.O. 323, 3. No. 125; and 324, 8. pp. 148, 149.]

April 21. 364. Minutes of Council of New York. Ordered that John Barbarie be appointed to perform all such matters as Col. Nicholas Bayard was appointed to do by an Order of Council Jan. 15 last, in relation to the accounts of the Widow Cortlandt.

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Accounts in the hands of the Clerk of the Council referred to be audited.

Petition of Isaac Deriemer, John Cornelisse, John Evetse, John Plavier, Barent Chrisyanse, William Creed and Richard Cornwall read, praying a licence to purchase vacant land in the County of Suffolk, on the Island Nassau, to the East of the Town of Huntington and the westward of Nessequalk, called by Indians Katawamake and by the English Crope-meadow. Granted, provided the purchase be made before a Justice of the Peace of the County, and returned in Council within 12 months after the date thereof.

April 22. Ordered that the Collector pay into the Escheator General of this Province such moneys as shall be necessary for the carrying on the affairs of his office in putting in execution the Act for confiscating the estate of Robert Livingston.

The[re ?] being no [sic ? an] urgent occasion for moneys to begin the fortifications at Albany, and none being to be procured on Bills of Exchange drawn by the Governor on H.M. Treasury according to H.M. direction, and Col. Abraham Depeyster offering for Bills of Exchange for 500*l.* sterl. on the Treasury in England immediately to advance 200*l.* current money of New York for the beginning the said work and the other 300*l.* so soon as he shall receive advice that the same is paid, on condition that this Board will engage that in case the said Bills be not duly accepted and paid, that the 200*l.* with the charges for want thereof, shall be immediately paid unto him, preferable to all other payments whatsoever out of H.M. Revenue, which this Board engaged accordingly.

April 23. Petition of Daniel Lake and Joseph Holms read. Ordered that Letters Patents be prepared for a parcel of land in the County of Richmond adjoining the lands of Peter and Isaac Billjean, Abraham Lakerman, William Barker, Tennis Egbert, Vincent Fountain, Jaques Guyen, containing 200 acres under a quit-rent of 12*s.* New York money. But in consideration that Daniel Lake has been in possession of the said land without any title thereto from Feb. 12, 1695, and cut down the timber and reaped the profits thereof, ordered that he first pay the quit-rent of 12*s.* for every year since that date.

Petition of Anthony Tysen read, setting forth that he had purchased from Daniel Shottwell 130 acres in the County of Richmond, which in the patent was particularly bounded with meadow proportionable thereto, and that he is informed by those words he is not legally entitled to any meadow whatsoever, without which his land is of no value, and therefore prayed a confirmation of the former patent with 27 acres of meadow in two parcels lying in the Fresh Kill, bounded by the land of Lamber and Secker Garrittson, John Micheels, Aarent Praall, John Garriott, containing 17 acres. Letters Patents granted under the yearly quit-rent of 14*s.* [C.O. 5, 1184. pp. 659-662.]

April 21. **365.** Journal of Assembly of Barbados. The House adjourned till to-morrow.

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April 22. Bill for securing the possession of negroes, etc., read with amendments and agreed to.

Lord Grey's letter read. Letter of thanks ordered.

Naturalisation Bills [see April 14] read a second and third time.

After a conference of the two Houses, the Bill for securing the possession of negroes was consented to and passed.

The Assembly's year expiring on May 5th, ordered that their Records be left in the hands of the Speaker and delivered by him to the new Speaker. [C.O. 31, 6. pp. 464-466.]

April 22. **366.** Minutes of Council of Barbados. Letter from the Council of Trade and Plantations, Nov. 4th, 1701, to Lord Grey read.

144*l.* 14*s.* 4*½d.* paid to Samuel Cox for money laid out on the fortifications of St. Michael's.

50*l.* paid to Capt. Gilbert as recommended by the Assembly.

The Hon. Col. George Andrews was given leave to go for England.

Col. Abell Alleyne appointed Chief Baron of the Court of Exchequer in place of John Hooker formerly appointed.

356*l.* 18*s.* 4*d.* paid to Capt. Philip Kirton for fortifications of St. Michael's.

The two Houses entered into conference on the question of the writ of St. Joseph's, and after long debate the matter was left undetermined.

*And see preceding abstract.* [C.O. 31, 6. pp. 204-209.]

April 22. **367.** Mr. Thurston to Mr. Popple. The provisions for the Company at Newfoundland are all ready to be put on board at such time as the convoys shall sail, which shall be three weeks at farthest. The materials for the fortifications are on board, and the ships ready to sail, except the bomb, which the Board of Ordnance represents as not belonging to them to furnish, but to the Navy, and Mr. Pulteney has this morning told me that my Lord High Admiral has been writ to, on a Representation made to the Council, but I cannot be informed at either of those places that the same has been done. The Treasury has not as yet ordered the money either for subsistence or cloaths, having refer'd the examination of the demand to the Earl of Ranelagh, who has not yet dispatch't his report. *Signed*, J. Thurston. *Endorsed*, Recd. Read April 22, 1702. *Addressed*. 1*½* pp. [C.O. 192, 4. No. 73; and 195, 3. pp. 74, 75.]

April 22. **368.** William Popple to Mr. Attorney General. The Council of Trade and Plantations send you the enclosed copies of warrants issued by the Lt.-Gov. and Council for the Commitment of John Hutchins and Col. Bayard, together with a copy of an Act of New York, 1691, for quieting disorders, etc., and thereupon desire your opinion whether the said warrants be legal, and whether the crimes charged upon both or either of those persons in the said warrants do amount to High Treason within the meaning or construction of the said Act; unto which their

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Lordships desire you to let them have your speedy answer, because the circumstances of this affair do require them to lay a report thereupon before H.M. without delay. [C.O. 5, 1119. p. 93.]

April 23.  
Antigua.

**369.** Governor Codrington to the Council of Trade and Plantations. I have just now received copies of Mr. Freeman's and Mr. Mead's complaints against me, but not the honour of any letter from your Lordships, and indeed if I were guilty of one single tittle of what I am accused, I should be altogether unworthy the honour of your Lordships' correspondence as well as of my Master's favour. I am as sensible of calumny as any man living, and yet that which has been thrown on me is so far from giving me the least disturbance that I ought to be proud my enemys have forct me on the necessity of giving an acct. of my conduct to the King, yr. Lordps., ye House of Commons and the world, and then my innocence and the business of my enemies will appear to a degree beyond what 'tis possible for your Lordships to expect. Depend upon it, my good Lordships, I beseech you, that Demonstration itself shall not be clearer than the proofs of my justice and the folly and madness of Mr. Mead and Mr. Freeman. And I have no concern upon me but this (which ought to be the common concern of all honest men) yt two men can be found that dare assert so many groundless and notorious falsitys before your Lordships and the House of Commons. Impalement ought to be either their sentence or mine. The papers necessary for my justification are at Nevis and St. Kitts, whither I will hasten in two or three days. I only beg your Lordships' patience, the justice I am secure of, and I hope to deserve your good opinions :—if not, my Lords, I'lle punish myself more severely than even Mr. Mead or Mr. Freeman would wish me treated—for I'lle forgive them and turn monk. *Signed*, Chr. Codrington. I beg leave at present onely to observe that I have been so far from hindering any due course of Law on Mr. Freeman's account, that I have desired and prest it, as Col. Elrington, one of his Attorneys, as well as Mr. Poxon must confess—yt the affair might have been properly brought before the King in Council and finally determined. Col. Elrington had no instructions in the matter, and was not willing to doe anything without them, and as for Mr. Poxon, he coud not, for, by his petition to me now on record at St. Kits, he claimed his right of possession as heir and executor to his father, who had had two leases from De Chambré of 11 years each, and for which he is now accountable 120 hhds. of sugar—and this is the true reason of all the clamour. For if De Chambré's title be out of doors, ye debt's paid ; and Mr. Poxon I fancy has no other way of paying the debt. 'Tis plain Mr. Freeman had no value for the land himself, for by his letter to Col. Norton (which he little believes is in my custody), he is very willing to compound for a quarter, not for himself, but neice, Mr. Poxon's wife. I have desired my Attorneys to prefer a bill of discovery against Mr. Freeman, and he will be convinet in time that I have more to expect from the Law and right of an Englishman than he has. One particular

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more I beg to observe to your Lordships, which is the hardship I lye under by being accused at this distance,—that my Friends themselves take facts for granted which are notoriously false, and defend me upon false hypotheses. My Lords, I value the reputation of my morals above that of my understanding, but I presume I shall defend the one without any disadvantage to the other, and I believe it will be found I have enough of both to be a West Indian Governor longer than I intend to continue so. 'Tis affirmed and taken for a truth that I sat on the Bench with the Judges, and acted as Chief Justice, and the examples of former Governors are to protect me, it seems, for  $k[n]avery$  or folly are supposed to be entailed on ye employ. My Lords, I have endeavoured to remove many absurd practices which were very currant here, and therefore must doe myself the right to say I was above so great a one as this. I may indeed sit as Chief Judge in Criminal matters by the particular Act of Courts of this Island, but it never enter'd into my head to sit as Chief Justice in cases concerning which I was agen to determine in Appeals. The naked truth of the matter is this—I have generally been present at our Courts of Justice, for two reasons, the first, to see that speedy and impartial justice be done for the King's subjects of all ranks whatever, and to judge of the probity and capacity of the Judges and their Assistants; and secondly, in obedience to your Lordships' commands, that I might be able to send you the scheme you ordered me, which yet I have not been able to effect, for I cannot tell how I should give your Lordships an account of our Judicature without any observations of it. Upon these grounds, my Lords, it was that I went into the Court House at Nevis, where there were then to be tried 14 titles of land (all but one, as I was informed, that could ever be disputed in the Island). I would have gone up into the gallery, but some Gentlewomen had taken place there, and I was not willing to disturb them; upon which I sat down with Col. Elrington and Col. Hamilton on a bench on the left hand of the Judges, and several people were between us. When Mr. Herbert's cause came on, Mr. Brodric, his Councel, moved for an execution on a former judgment, which had been rendered ineffectual by an Order of Sir Nathaniel Johnson, and affirmed that a scire facias was not necessary in this case, because his client had not deferred the execution of the judgment himself, but had been arbitralily and illegally denied the benefit of it by an order that neither was a supersedeas, an injunction upon a Bill, nor a reversal upon a writ of error. The Judges did not know very well what to make of all this, but after Mr. Brodric had argued and Mr. Cole scolded half an hour, an execution was denied (by which 'tis plain I did not influence the Judges) and a new tryall resolved on according to the summons with which Mr. Mead had been served. It was then ordered that Plaintiff and Defendant should enter in a rule. Mr. Mead, who stood just behind Mr. Cole, very angrily and noisily said, he would enter into noe rule; that the estate was not his, but an orphan's in England, that he had no instructions nor papers, that the deeds

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were at home, and he hopt they would take care of a poor orphan, and this he repeated (together with his Councels in chorus) twenty times very insolently and indecently. Mr. Brodric thereupon desired to be heard one word in quiet, and told the Judges that he insisted upon nothing but what was plain Law and constant practice ; that the matter admitted no dispute, but that Mr. Mead, the tenant in possession, must either appear to the cause and enter into a rule, or judgment must go by default ; that as to the orphan, he had no busnes with him ; that he believed there was no such, unles in Utopia, for 'twas equally strange that Mr. Mead, who claimed under him, should know nothing of his title, as that no other person should be empowered to appear for him ; that if he coud not have justice, he had his Bill of Exceptions to tender, and would carry the cause to another place. Upon this, Mr. Cole cried out, Don't let Mr. Brodric frighten you, Gentlemen, I'le warrant I'le defend you against his Bill of Exceptions. Col. Butler, one of the Judges, resented this language extreamly, bid Mr. Cole have a care how he us'd such for the future, that they were upon their oaths, and would not be frightened by Mr. Brodric or any one else, that he did not see how they coud deny judgement by default, if Mr. Mead would not proceed to a trial. Mr. Cole cried out, 'Tis not Mr. Mead's cause, 'tis the Orphan's cause, and I appear for the Orphan. Mr. Brodric answered, it was now too late for any new party to be received, besides he had no power to appear. Then, said Mr. Cole, I demand a power, I demand letters of guardianship from the Court. The Court answered, 'twas not their busnes to grant letters of Guardianship, but the Chief Governor's. Upon this I got up and said that I thought both as Chancellor and Ordinary here I was obliged to take care of orphans, and desired to know why application had not been made to me. Mr. Cole said he desired onely letters of Guardianship for the particular cause, and that 'twas proper for the Court to grant them, and turning to some Law-books, read a passage. Mr. Brodric said he was sorry he had so often occasion to tell the Solicitor General that he was fitter for a counter than the Bar, and to advise him to return to his shop agen, and showed that it was the Plaintiff's busnes to desire a Guardian might be appointed when the Defendant was a Minor. Mr. Mead here (who all along took care to repeat and insist upon the very silliest things his Councel advancd) made a mighty bustle about letters of Guardianship, upon wch. I said the Secretary could draw letters for me to sign as soon as for the Court, and they should be dispatcht immediately. Upon this Col. Hamilton got up, and said publicly to Mr. Mead, he wondered he would trifle at that rate, when it was notorious to the whole Island that Mr. Justice Tovy was Attorney to the Orphan's Father-in-Law, who to be sure was his Guardian, and that by virtue of that power he received the rents due both from himself for a small piece of land, as well as from Mr. Mead for the two Plantations. 'Twas this, my Lords, raised my indignation to the height, and I was noe longer master of my zeal. I said to him in terms as nere these as I can recollect, Mr. Mead, I have

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had a very scandalous character of this cause, but I find it worse than I expected. It has been long the scandal of this Island, and I find you design it shall continue so, but you will find yourself mistaken. These Islands suffer very much in their interest as well as honour by the general complaint which prevails at home that there is a very great obstruction of justice amongst us, and this lately occasioned a Bill to be brought into the House of Commons, which would be fatal to these Colonies, if it should be past into Law, but if the currant of Justice sink in one place, it will rise in another, and those causes that cannot have a fair hearing here, must be carryed into Westminster Hall. This cause, I assure you, shall be delayed no longer upon vain and frivolous pretences. I have heard nothing on the one side but reason and Law, and on the other nothing but poor and idle evasions. The Judges are on their oaths, and so would a jury be, if you thought fit to have one, but some determination or other must be. I don't wonder that you choose a Judgment by default rather than a verdict. I said to the Gentlemen of the Council and Assembly at my arrival that I came with resolutions as well as instructions to act according to Law. I am fully satisfied that Government is or ought to be the Empire of Laws, and not of men, and this principle is so universal that all Magistrates whatever are bound by it, an Emperor as well as a Petty Constable. Our Master thinks himself circumscribed by the Laws, tho' without reach of its vengeance, and shall a subject trifle with it? Noe, Sir, tho' I doe not understand forms and nicetys, I will take care the power and equity of it shall prevail, and whilst I have the honour of commanding here, Justice shall be too powerful for the wealth, the art, the avarice and the insolence of any man whatsoever. I believe, my Lords, I might speak these words with a vehemence which the nature of the cause demanded, and which might be terrible to a guilty man—and if these words be my crime, may my crime remain engrav'd on my tomb, and may Mr. Mead and Mr. Freeman have the pleasure of laying me under it. My Lords, tho' I am not a good Christian, I believe another world, and so does every man else without controversy. If I were now at home, I wd. only desire Mr. Mead to receive the Sacrament with me at the hands of some venerable good man, whose presence might strike the horrors of damnation into him, that damnation which will certainly be the reward of malice, envy, perjury and oppression, and then I would ask him a few questions—What he thinks of his own cause? By what arts has he supported it so long? What bribes he has given to Governors before my Father's time, and since he knew he would not be bribed, what methods he has taken with Judges and Lawyers, particularly what adviee Mr. Palmer gave him, and whether for 300 pieces of eight the Lawyer, feed by Mr. Herbert beyond what he was well able to give, did not, just as the cause was come to tryal, run away to Mount-Serrat? Why he accuses me of granting a Special Court against him, when there were 14 causes of titles of land depending? Why he affirms I encouraged the suit against him, when it was begun before

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my arrival, and his quarrel to Col. Fox and his petition to me against him grounded on this, that he had directed one of his lawyers (for he had feed them all) to be of Councel to Mr. Herbert ? Why he accuses me of partiality to Mr. Herbert when by the æternal God to my knowlege I never saw him before I saw him in Court at the tryal ? Why he accuses me of a denial of an Appeal, when not onely the contrary appears on record, but he must remember that very day of tryal I offered to sign a writ of error, to remove the record and goe up to Antigua the very next day to hear the errors argued, and he answered me, 'twoud be time enough at my return from St. Kits and Mountserrat ? Whether the true reason of the delay on his part was not that Mr. Brodric might be gone for England before the hearing ? And lastly, when the errors were heard upon the first motion regularly made by his Lawyer, Mr. Keck, and the judgement affirmed by the whole Council (his particular friend, tho' a much better man, Col. Pearn assisting, who likewise offered security for Mr. Mead's carrying on the appeal) where the appeal lay so long ? and whether he had not received it at least two months before his petition ? Whether Mr. Cole's letter to him was not by direction, as well as his affidavit concerning Mr. Brodric's using my name, wch, if true, was without my direction, tho' what was done upon it was customary here, and at that time granted because Mr. Mead had cut down the orange-trees, puld up Coppers, mils, etc., and was doing all the ill-natured mischief he coud to the Plantations, a sufficient proof that he expected no success from his appeal. If he wd. answer these questions, there woud need neither factums nor proofs, and by the same holy Sacrament I would protest, as I doe now before Almighty God, that I never did, nor ever will receive of Mr. Herbert, or any man living one shilling, directly or indirectly ; that I never heard he intended to sell his plantation, nor had I ever the least spark of an intention to purchase it ; that whatever I did, to the best of my understanding was my duty, and proceeded from a concern to see a poor man so basely opprest by a rich and potent adversary. As this is true, so help me God. *Signed*, Chr. Codrington. *Endorsed*, Reed. 8th, Read July 10, 1702. *Holograph*. 16 pp. [C.O. 152, 4. No. 94 ; and 153, 7. pp. 472-486.]

April 23. **370.** *Copy of preceding.* *Subscribed*, Nevis, May 21, 1702. I do hereby certifie that H.E. Christopher Codrington, Esq., this day read this letter paragraph by paragraph to the Councill, and they owned the same to be every word of it true. *Signed*, Geo. Larkin, Notary Publick. 12 pp. [C.O. 152, 4. No. 95.]

April 24. **371.** J. Thurston to Mr. Popple. The Board of Ordnance still continue to refuse furnishing the Bomb, and say that, if Orders be repeated to them, they cannot obey them in a matter that no way belongs to 'em.

*P.S.*—They say they have represented this to the Lord High Admiral, and have observed that the Bombs now at Plymouth,

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Hull, etc., were provided by that Office. *Signed*, J. Thurston, *Endorsed*, Reed. Read April 24, 1702. 1 p. [C.O. 194, 2. No. 74; and 195, 3. p. 76.]

April 24.  
Whitehall.

**372.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Four ships being ready to sail for Newfoundland, we take leave to remind your Lordships of the money necessary for the subsistence and cloathing of the soldiers there for the next year. *Signed*, Stamford, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 195, 3. pp. 75, 76.]

April 24.  
New York  
Prison.

**373.** Col. Nicholas Bayard to the Council of Trade and Plantations. The favour which I received from your Lordships when I was lately in England, together with the pressure of the present most unhappy circumstances and particularly those as do relate to myself, encourage myselfe to apply to your Lordships; moreover since I expect that some of my ill-wishers now here at the helm of Government may, as formerly has been done, misrepresent some matters lately happen'd, by wch. means they have brought myself and family by coullor of Law and Justice to the brink of ruine; without any regard to my faithful services to the Crown and Province near the space of 35 years, as all indifferent good men will certify. Only the unhappy divisions by wch. I have suffered very much, are the chief and only cause of these our new calamities, which if not soone healed by the prudence of a Governor, or some directions from H.M., will ever prove very destructive to this hopefull, bleeding Province, and though some young men and strangers endeavour by their representations to magnify themselves, and lessen their neighbours, usually called the English partie, yet I can assure your Lordships that by the 47 years' observations and experience I lived here, I know 'em to be the more numerous by much and are as hearty Protestants, and as forward and zealous for H.M. service as any of the others can boast of, wch. I refer to what any of the preceding Governors can say on that account.

It was about the latter end of the last summer that we had the news by several letters from England that the Lord Viscount Cornbury was appointed to be Governor, but the said news was soone contradicted by letters said to be received that his Lordship was not like to come, being otherwise provided for. This occasioned that some of H.M. good and faithful subjects in this Province, who supposed themselves to lay under some hardships without hopes of relief here, were encouraged by the best Councill they had, that it was lawful for the subject to petition the King and Parliament to be relieved therein, and in order thereunto two Addresses, one to H.M. and another to the Parliament with duplicates were drawn up together with a Congratulation to the Lord Cornbury to be delivered at his Lordship's safe arrival, and were signed (without any the least disturbance whatsoever) by most of the principal merchants and many of the Freeholders and Inhabitants within this Citty, and amongst the rest by two

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Members of H.M. Council, and several Justices of the Peace. The two first of said Addresses were delivered to one Capt. Darkins, Master of a vessel then bound for England, about three weeks before it was heard our Lt.-Gov. and Council had any acct. thereof, who at the first discovery seemed to be much disturbed and offended abt. it, and great threatenings were made to prosecute the subscribers for sedition, rebellion and High Treason, which soo frightened some of them that they secured both the originals and copyes, for feare of some wrong construction might be made upon any of the words or meaning of said Addresses. Whereupon myself and one Alderman Jno. Hutchins were by the Lt.-Gov. and Council committed for High Treason, and some others ordered to be prosecuted by the Attorney General, and a special Commission issued for our trials, and tho' I made application first to the High Sherif and afterwards by petition to the Court that I might have an impartial English jury allowed me upon my trial, yet I had put upon me both a Grand and Petty Jury, some of 'em aliens, and the rest most of 'em either very ignorant in the English language, or my implacable enemies on account of the said unhappy divisions, and very many of them a partie concerned against mee in relation of the grievances in said Addresses complained of. I dare not trouble your Lordps. with innumerating the hardships I met with in the whole course of the sd. trials, only beg leave to mention that the whole substance of what was sworne against mee (as will appeare by the evidences then and there at my tryall taken) to be as followeth, vizt., That I had been present at the Coffy House at the signing of the said Addresses by several Merchants and Inhabitants, and that one of them had signed at my owne house, and that I told him it was for the good of the Country ; item, that I had brought some papers, being said Addresses, at the house of Alderman Hutchins, and lastly that I, together with Mr. Rip van Dam, Mr. Philip French and Capt. Tho. Wenham had preferred a petition to the Lt.-Gov. and Council in which was this expression, vizt., " And another Addresse to my Lord Cornbury whom wee understand, by certain advice wee have reed. from England, to be nominated by H.M. to succeed the late Earl of Bellomont as our Governor." Wch. said expression was construed at my trial to be a disowning and casting of the present authority here established by H.M. Commission to our Lt.-Gov Nanfan. Now for this, may it please your Lordships, I had sentence of death pronounced against mee, without any hopes of releefe but by being reprieved from this execution till H.M. pleasure should be knowne therein, and in order thereunto I applied myselfe in the most humblest manner to his honour the Lt.-Gov. for the same, and by six several petitions humbly submitted myselfe to the said sentence, but were all of 'em from time to time rejected, because I did not in them voluntarily acknowledge myself to be guilty of the crime, without which I was told no reprieve was to be granted, wch. I could not do, knowing myselfe to be innocent, and soo sin against God and my conscience. I was put in irons for severall dayes, and by special command

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forbidden the speech, sight or advice of any of my friends, and particularly those of my son and other relations; and tho' many intercessions were made by severall of the neighbour Governors and many other gentlemen of honour and worth, yet none could obtain the said reprieve, unless I did confesse myselfe to be guilty, so the day of my execution was prefixt and notifyed to myself accordingly, which occasioned to prevent the fatal strook, that a Petition was drawn up for me to sign, in which it was exprest that I owned myself to be soo unhappy as to syne the said Addresses, and had encouraged some others to sign the same, and that I was sorrowful for the offence which, by the said sentence, I did find I had given, and beg'd pardon for it. Whereupon a message was sent me, I should have said reprieve granted, provided I raced out *which by the said Sentence*, together with the word *given*, and enterlin'd in lieu of that word *committed*, which latter (with much regret and being extreamly disturbed and almost distracted in my senses) I was prevailed to do; but not the former, because I told 'em, if it was not for said sentence, I was not sencible of any offence I had given or committed; whereupon I had at last the said reprieve granted; and soon after my said Petition was by order printed, and construed that I had acknowledged myself to be guilty of the crime of High Treason. I implore your Lordships' bounty and goodnesse in the most favorable manner to represent unto his Sacred Majesty the hardship and severity of your supplicant's case and circumstances, together with his former manyfold services and sufferings, in order for the speedy obtaining H.M. gracious pardon, wch. I have desired some of my friends to solicite in my behalfe. *Signed, N. Bayard. Endorsed, Reed. 10th., Read 13th July, 1702. Holograph. 3 pp. [C.O. 5, 1047. No. 41; and 5, 1119. pp. 167-174.]*

April 24. **374.** Journal of Council of Trade and Plantations. Letter from the President and Council of Barbadoes, Feb. 19, read, and papers enclosed laid before the Board.

Order of Council, April 17, read. Directions given for preparing a report on the  $4\frac{1}{2}$  p.e. accordingly.

Letter to the Treasury signed and delivered to Mr. Thurston.

Letter from Mr. Thurston read. Directions for a letter to the Earl of Manchester ordered thereupon.

Orders of Council, March 18, laid before the Board.

April 25. Memorial from Col. Quay read. Thereupon ordered that Mr. Penn be desired to bring in his answer to the heads of complaints, that have already been given him, on Tuesday.

Letter to the Earl of Manchester signed.

Letter from Mr. Burchet, April 22, laid before the Board.

Letter to Mr. Burchet ordered.

Ordered that the Secretary write again to the Barbadoes Agents, to desire their answer on Monday to what has already been writ to them April 4th and 20th.

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Copies ordered to be given to Mr. Champante, at his request, of the mittimus of Col. Bayard and Mr. Hutchins, and of Minutes of Council of New York Jan. 16-21.

Answer of Mr. Attorney General to queries of April 22 read.

Progress made in Report on the 4 $\frac{1}{2}$  p.c. [C.O. 391, 14. pp. 430-435; and 391, 96. Nos. 73, 74.]

[April 25.] **375.** Robert Quary to the Council of Trade and Plantations. H.M. Service requires my hastening back to America. All the merchants' ships designed for those parts will be ready to sail in a week's time at farthest. After these are gone I shall not be able to get a passage. Wherefore I doe most humbly request that Mr. Penn's business may be brought to a speedy hearing, and that your Lordships will please to give order for the dispatch of such Commission, Orders and Instructions wch. you design for me. *Signed, Robt. Quary. Endorsed, Recd. Read April 25, 1702. Holograph. 1 p. [C.O. 5, 1261. No. 84.]*

April 25. **376.** William Popple to Josiah Burchett. I enclose the usual Heads of Enquiry with some additional Instructions for the Commodore of the Newfoundland Squadron. In order to the dispatch of a Commission for the said Commodore to command at land during his stay in those parts, the Council of Trade and Plantations have sent a draught of that Commission to the Earl of Manchester, and desired his Lordship to lay the same before H.M. *Annexed,*

376. i. Heads of Enquiry relating to the Trade and Fishery of Newfoundland to be given as Instructions to Capt. Thomas Swanton, Commander-in-Chief of the Newfoundland Convoy. *Of the same tenor as those given last year. See Cal. 1701. No. 242.* Additional Instructions: *after enumerating* Capt. Graydon's replies [Cal. 1701, No. 879.xii.]—You are to take care so far as in you lies that the best remedies be applied for the prevention of these mischiefs, and to report your opinion thereupon, in order to further consideration, and the preparing of such clauses to be proposed at the next Sessions of Parliament as may be requisite for the more effectual regulating that Trade. And whereas complaints hath been made from thence against Mr. Thurston, Agent for the Company of Foot-soldiers there, as if he had not duly remitted the subsistence money allowed them, unto which he has returned such answer and accounts as seem to be without exception, but it being nevertheless thought requisite that a more perfect examination be made of those matters, you are to make strict enquiries into the state of these accounts and likewise into the disposal of the Provisions sent thither the last year, and those now sent, and into the method and regularity of the payment of the officers and soldiers, and of their behaviour, and as much

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as in you lies, to redress what abuses you may find in those particulars, and to return an account thereof to one of H.M. Principal Secretaries of State and to the Lords Commissioners for Trade and Plantations by the first opportunity. [C.O. 195, 3. pp. 77-94.]

April 25. **377.** Council of Trade and Plantations to the Earl of Jamaica. Manchester. *Refer to Order in Council, March 26.* The Board of Ordnance still refuse to furnish the Boom for Newfoundland [See April 24]. We desire your Lordships to lay this matter before H.M., as being of great importance that some speedy Order be given therein, the convoy being ordered to sail the beginning of next month.

Draught of Commission, for Thomas Swanton, Commodore of the Convoy, to command in chief the Forts and soldiers there, enclosed for H.M. signature. *Signed, Stamford, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior.* [C.O. 195, 3. pp. 95, 96.]

April 25. **378.** Lt.-Gov. Beckford to the Council of Trade and Jamaica. Plantations. We have advice by a sloop that sailed from Curaçoa to Manchaneel on Cuba to trade with the Spaniards, and from thence putt in for wood and water on the North side of this Island, that the French Fleet sayled from Leogane abt. the last of March ; for the 4th of April they were seen to pass by St. Jago upon Cuba, bearing downe with a full sail, and at St. Jago they sent a pacquett ashore for the Havana. This news confirms what I recd. by a vessel of this Island, who put in to Port Louis on the Isle de la Vache, which is the new settlement made by the French on the South side of Hispaniola, the Master informed me that 24 ships of war from 60 to 70 guns came into Leogane the 12th of March N.S. and sayled about the 22nd for the Havana : so wee are now assured that they are either there or gone for Europe with the Spanish Fleet, if they will trust themselves under their convoy.

I have perused H.M. Instructions to the late Genl, which to bee sure I shall pay a ready obedience to ; but yet must beg leave to lay before your Lordships my opinion concerning the Instruction about fines, forfeitures and escheats. The words are, " You shall not remitt any fines, or forfeitures whatsoever, above the sum of 10l., before or after sentences given, nor dispose of any escheats, fines, or forfeitures whatsoever untill upon signifying to the Commissioners of H.M. Treasury, or High Treasurer for the time being, and to H.M. Commissioners for Trade, the nature of the offence, and the occasion of such fines, forfeitures or escheats, with the particular sums and value thereof, you shall have received directions therein ; but you may in the meantime suspend the payment of such fines and forfeitures. This Instruction in relation to Escheats will, I think, prove disadvantageous to H.M. and the settlement of this Island ; for 1st it will discourage all discoveryes of land and other estate, which by any way or meanes should revert to the

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King ; such discoverers giveing information to Governours in hopes of obtaining a grant at the appraised value ; 2ndly, before a Plantation and Negroes can be disposed of, it will be almost ruined, the negroes run away or prove rebellious [for] want of a Master ; for it will be no one's interest to look after it, and may be at too far a distance for a Governoour to take care of it ; 3rdly, no goods will be made of it for two years following, a Plantation being like a garden, one moneth's neglect puts it six months backward, and consequently 'twill be a lesning of H.M. Customs ; and 4thly, this will not wholly obstruct a Governor's making advantage by it. As to the Instruction about the Commission for the Tryalls of Pirates, and an Act intituled An Act for the more effectual suppression of Piracye, the Commission and the Instructions differs in these points, vitz. (1) The Commission in the recital of the Act, leaves out the Members of the Council. (2) The Act appoints that the Court shall consist of seaven persons at the least, and if so many of the persons aforesaid can not conveniently be assembled, any three of the said persons, whereof the President and Chief of some English Factory, or the Governoour, Lieutenant Governoour, or Member of H.M. Council in any of the Plantations or Colonies aforesaid, or Commander of one of H.M. ships is always to be one, shall have power to call, etc. The Commission differs herein, for the words of that are : And if so many of you our said Commissioners cannot conveniently be assembled, any three or more of you, whereof you, the said Sir Wm. Beeston, or the Governor or Commander-in-Chief of the said Bahama Islands, or the Governor of either of the said Islands, always to be one. 3rdly, The Court shall publicly be called and proclaimed ; then the President of the Court shall in the first place publickly in open Court take the following oaths, etc., and he having taken the oaths shall immediately administer the same oaths to the persons who shall sit, etc." The Commission differs herein, for the words of the Commission are, And you, the said Sir Wm. Beeston, or the Governor of the Bahama Islands, or the Governor or Commander-in-Chief of either of the said Islands for the time being, having taken the oaths in manner aforesaid, shall immediately administer the same to every person who shall sit, and have and give a voice in the said Court upon the tryall of any such person or persons aforesaid. But we have an Act " for the restraining and punishing Privateers and Pirates," which puts the Act of the 28th Hen. VIII in its full force here ; for the difficulty of sending accessories and evidences will be great, and the charge greater, the Instruction not mentioning who shall beare it. As to the Instruction about establishing a Court of Exchequer, our Law here intituled an Act for establishing Courts, etc., gives power to our Judges here to proceed as the Courts of King's Bench and Exchequer in England, and will, I thinke, answer the end proposed. The chief obstruction in getting H.M. Quit-Rents seems to me to arise from the too often removals of the Deputies in the Receiver General and Secretaries Offices, either for gain or displeasure, and sometimes by death, which

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often happens in these parts. Thus have I laid down my poor sentiments, to be weighed by your Lordships' more mature Judgments, and on my further perusal of the Instructions, I may have something more to trouble your Lordps. with.

Our Assembly is now sitting, and I hope are persuaded into soe calme a temper that they will goe on unanimously to provide for the securitye and good of the Island. *Signed*, Pe. Beckford. *Endorsed*, Reed. June 29, Read July 24, 1702. 3 pp. *Enclosed*,

- 378. i. Duplicate of letter, April 9, Lt.-Gov. Beckford to the Council of Trade and Plantations. 2 pp.
- 378. ii. Memorandum of H.M. Account of impost, Sept. 29, 1701—March 25, 1702.  $\frac{1}{4}$  p.
- 378. iii. Memorandum of H.M. Account of Quit-Rents, Sept. 29, 1701—March 25, 1702.  $\frac{1}{4}$  p.
- 378. iv. Memorandum of H.M. Account Current, Sept. 29, 1701—March 25, 1702.  $\frac{1}{4}$  p.
- 378. v. Memorandum of H.M. Account of Fines, Forfeitures and Escheats, Sept. 29, 1701—March 25, 1702.  $\frac{1}{4}$  p.
- 378. vi. Memorandum of H.M. Account of Fortifications, 1701.  $\frac{1}{4}$  p. [C.O. 137, 5. Nos. 65, 65.i.—vi.; and (without enclosures) 138, 10. pp. 345—351.]

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**379.** Attorney General to Council of Trade and Plantations. In obedience to your Lordships' enquiry [No. ]. I am of opinion that the warrants are sufficient in form to charge Nicholas Bayard with High Treason within the Act of New York annexed, and John Hutchins with a misdemeanour, and that there is as much certainty in them of the nature of the crimes charged as is necessary in warrants of commitment, though there must be much greater certainty in the indictments that shall be preferred against them. I presume the evidence the Council of New York had against these men is transmitted to your Lordships, and, with great submission to your Lordps., I think the question is not whether the warrants of commitment be formall, but whether the evidence given to the Councill be sufficient to charge them with the crimes mentioned in the warrants, of which I not having had any account, I cannot give any opinion. This only I observe, that it appears by the warrant for committing Hutchins that the Councill required him to produce a libell he is charged to be the author of, which was to accuse himselfe, and his refusing to produce it, is alledged as part of his crime. *Signed*, Edw. Northey. *Endorsed*, Reed. Read April 25, 1702.  $1\frac{1}{4}$  pp. [C.O. 5, 1047. No. 42; and 5, 1119. pp. 94, 95.]

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**380.** Minutes of Council of Virginia. Warrants for several salaries, etc., signed.

H.E. communicating several letters, which he lately received from England, giving an account that a war will in all probability very speedily breack forth, and that several of H.M. ships of war are ordered for the Colony to convey home the merchants ships trading here and in Maryland, and may be daily

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expected, an embargo was laid on all vessels now being or that hereafter shall arrive in this Colony until further orders.

Letter from the Council of Trade and Plantations, Nov. 4, 1701, concerning seamen taken out of the *John* galley by pirates, read and ordered to be recorded in the Council Office.

The Cargo for the French Refugees remaining yet undisposed of, it was recommended to Col. Byrd to use his endeavours for disposing of it.

H.E. appointed the following Sheriffs :—

Princess Ann County	...	...	—
Norfolk County	...	...	Samuel Boush.
Nansimond County	...	...	Charles Drewry.
Isle of Wight County	...	...	William Bridger.
Surrey County	...	...	—
Charles City County	...	...	Charles Goodrich.
Henerico County	...	...	Giles Webb.
New Kent County	...	...	Nicholas Merriwheather.
James City County	...	...	Thomas Cowles.
York City	...	...	Henery Tylor.
Warwick County	...	...	Thomas Merry.
Elizabeth City County	...	...	Nicholas Curle.
Gloucester County	...	...	Petter Kemp.
King and Queen	...	...	Jno. Walker.
King William County	...	...	John Waller.
Middlesex County	...	...	Sir Wm. Skipwith.
Essex County	...	...	Thomas Merriwheather.
Richmond County	...	...	Jno. Downman.
Lancaster County	...	...	Henery Fleett.
Northumberland County	...	...	Jno. Harris.
Westmoreland County	...	...	Lewis Markham.
Stafford County	...	...	Charles Ellis.
Accomack County	...	...	—
Northampton County	...	...	—

Henry Scarburgh, Collector of Accomack District, made oath to his account of H.M. duty of 1d. per pound April 9, 1701—April 25, 1702.

Petition of Jane King, complaining that Daniell Guthry and John Bailee of King and Queen County hinder petitioner's ferry-boat from landing any passengers on the North side of York River, and praying directions therein, referred to Benjamin Harrison, Councill for the King, and to doe therein according to Law.

John Lowrey, by his petition to H.E. setting forth that he, being commissionated pilot in James River, had removed his family and stock to a Plantation near the mouth of the River and provided himself with a boat and hands, and that John Pattison, a single person, having no settled abode, boat nor hands, but what is lent by George Walker, who hath half proffitt, doth take upon him to pilot ships in the River, and praying that if H.E. should constitute more pilots then those formerly appointed, that Petitioner may be ordered to have his turn, as is usual in England, the petition was referred to Capt. Moodie and Lt.-Col. Wm. Willson.

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Warrant signed for the execution of Ann Tandy, condemned for concealing the death of her bastard child.

A full Council was appointed to meet May 12. [C.O. 5, 1409. pp. 211-214.]

April 27. **381.** Agents of Barbados to the Council of Trade and Plantations. *Refer to* enquiries concerning the need of small arms for Barbados, etc. We are of opinion that the Island may stand in need of a present supply of 1,200 fuzees slung, 600 pair of horse-pistols, with holsters, 600 horsemen's swords, 600 belts, 200 muskatoons, and a suitable proportion of bullets, flints and catuse [? cartouche] boxes for the firearms. *Renew application for* great guns and ordnance stores for them. We humbly hope your Lordships will represent this to H.M. in Council, as also that Her Majesty would be graciously pleased to give speedy orders for the repair of the fortifications, and that there may be sent thither 18 experienced Gunners. All which the Council and Assembly hope will be granted them upon account of 23,174*l.* 6*s.* 11*d.*, which they disbursed for raising, victualling, accoutring and transporting two Regiments of Foot to Martinico in the late war. *Signed*, Wm. Bridges, Rob. Heysham, Fra. Eyles. *Endorsed*, Recd. Read April 28, 1702. 2 pp. *Enclosed*,

381. i. An account of the cost of the expedition under Capt. Fowkes against Martinico, *as above*. *Copy*. 1 p.

381. ii. An account of the Stores of war delivered out of the Magazine in Barbados for the use of H.M. ships of war and the service of the Leeward Islands in the late war. *Signed* by the Committee of Public Accounts, George Peerse, Wm. Heysham, George Lillington, Geo. Andrews, Richard Scott. *Copy*. 1 p. [C.O. 28, 6. Nos. 54, 54*i.*, ii. ; and 29, 8. pp. 9-14.]

April 27. **382.** William Popple to Sir Edward Northe, Attorney Whitehall. General. Enclosing for his opinion in point of law Acts of Barbados, May-Nov., 1701. *Annexed*,

382. i. List of Acts referred to above. [C.O. 29, 8. pp. 7-9.]

April 27. **383.** Henry Adderley and Charles Lodwick to William Popple. We designed on Wensday next to have waited on you for her Majesties letter to the Government of New York, according to their Lordships' promise, but understanding the ship designed for New York her men are all prest from her, that we know not when she may go, and hearing the Governor of New England lies ready at the Isle of Wight, which will be the safest and likely the soonest opportunity, we humbly pray that, if possible, we might have the letter by to-morrow night, to send down by the Post, men's lives being in danger makes us the more urgent. *Signed*, Hen. Adderley, Charles Lodwick. *Endorsed*, Recd. Read April 28, 1702. 1 p. [C.O. 5, 1047. No. 43.]

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April 27. **384.** Earl of Manchester to the Council of Trade and Plantations. There being a meeting of Lords, etc., at Mr. Sec. Vernon's office at 6 o'clock on Wednesday next to consider of your Lordships' Representation relating to the State and [? of] Defence of the Plantations, you are desired to be present there, and to direct the Agents of H.M. Plantations to attend at the same time. *Signed*, Manchester. *Endorsed*, Reed. Read April 28, 1702. 1 p. [C.O. 323, 3. No. 126; and 324, 8. p. 149.]

April 27. **385.** Journal of Council of Trade and Plantations. Paper of proceedings in Barbadoes laid before the Board.

Acts of Barbadoes, 1701, ordered to be sent to Mr. Attorney General.

Letters from Lt.-Gov. Bennet, Oct. 8 and Jan. 12, read and papers enclosed laid before the Board.

Memorial from Mr. Nodin relating to the pay of the soldiers at Bermuda and the Governor's salary there read. Ordered that an extract relating to the soldiers be sent to Capt. Gardner, and that he be desired to attend on Wednesday.

Several letters and papers received from New York [Dec. 27, Dec. 29, 1701, Jan. 20, 21, 24, 29, 1702] were laid before the Board. Whereupon their Lordships took into consideration some papers relating to the imprisonment of Mr. Hutchins and Col. Bayard, and gave directions in order to their further proceedings in that matter.

April 28. Letter from the Earl of Manchester [April 27] read. Ordered accordingly.

Mr. Penn and Col. Quary attending, Mr. Penn delivered his answers to the abstract of complaints against proceedings in Pensilvania, which were read. Ordered that a copy be given to Col. Quary.

An Address from the Representatives of the Three Lower Counties, dated Oct. 25, and an Address from them to Mr. Penn, Oct. 18, read. Ordered that copies thereof be given to Mr. Penn, who promised to lay a further Memorial before the Board, relating to those and other matters, with all the speed he can.

Letter from Mr. Adderly and Mr. Lodwick read. Letter thereupon written to the Earl of Manchester and delivered to Mr. Adderly.

Memorial from the Agents of Barbadoes, in answer to what has been writ to them relating to arms, etc., read. Directions thereupon given for adding a Clause to the Representation on the 4½ p.c. [C.O. 391, 14. pp. 436-449; and 391, 96. Nos. 75, 76.]

April 27. **386.** Minutes of Council of Barbados. The President acquainted the Council of a merchantship called the *Prosperous Hannah*, Richd. Potts, Commander, which arrived here on Saturday from England, with several private letters for merchants that gave an account of the death of King William. The Board decided that it was not safe or convenient to take public notice thereof, but to expect H.M. Order.

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Ordered that three files of soldiers be appointed to keep guard at each Fort within the Towns, and three files to guard the Magazine.

Ordered that the sloop *Charles*, Andrew Barnes, Commander, be taken up immediately for the service of this Island, and that the Master observe such orders as he shall receive from the President. 30*l.* to be paid to Barnes for that service.

Ordered that all ships bound for Europe have leave to sail on Thursday night.

Act to secure the peaceable possession of negroes, etc., was read the third time and passed. [C.O. 31, 6. pp. 209-211.]

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**387.** Minutes of Council of New York. The Governor suspended Robt. Livingston from the Council, and said that he would send him the reasons for his so doing according to H.M. Instructions, and would deliver them to the Clerk of the Council in writing, that they might be entered in the Council Book.

At the request of the Council, ordered that a Memorandum taken by the Governor April 14 be entered in the Council Book:— “At Col. Depeyster’s, April 14, between 7 and 8 at night, Col. Depeyster, Capt. Walters, Col. Romar, the Mayor and myself being present, I was saying that Baker, being convicted for calling the King a Dutch King, etc., proved what Mr. Vesey denied to have so expressed himself at the Mayor’s house in Feb. last, to which the Mayor replied that he did not remember that Mr. Vesey said ‘a Dutch King,’ but ‘their King won’t live always.’ The Lt.-Gov. is very positive that Mr. Vesey said ‘A Dutch King’ or ‘their King won’t live always,’ and that ‘the Dutch have now more favour shewn them then in the late reign,’ and spake in commendation of the late reign, as if it was then better with the English than now, whereon the Lt.-Gov. said he hoped never to see such days.”

Ordered that the High Sherriff of Queen’s County have a warrant directed to him for the breaking open the doors of the house of Edward Burroughs of Jamaica, in case he be denied to enter therein, and to search for him.

Warrant issued to the High Sherriff of the County of Suffolk, for the apprehending the late High Sherriff, John Mulford, and bringing him before this Board.

20*l.* paid to John Owen, joiner, for work done in Fort William Henry.

3*l.* 19*s.* 6*d.* paid to Zachariah Mills for charges for H.M. service.

6*l.* 18*s.* 8*1*/<sub>2</sub>*d.* paid to Burger Mynderson, blacksmith, for work done in Fort William Henry.

3*l.* 2*s.* 3*d.* paid to Jacob Noorstrandt for nails, etc., provided for the Fort.

4*l.* 11*s.* paid to James Wells, carpenter, for work done in the Fort.

3*l.* paid to Barne Cossens for the use of John van Veighten, for the freight of the clothing of the soldiers to Albany.

Small accounts paid to Jacob Blom, Myndert Schuyler, Jeremiah Callcott, Jacobus van Duersen, and Rutgart Waldron.

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April 28. Petition of John Shadwell read, and a warrant of survey ordered to issue. [C.O. 5, 1184. pp. 662-664.]

April 28. **388.** Lt.-Gov. Bennett to the Council of Trade and Plantations. I am making all convenient hast to mount the guns [arrived from the Tower] on the fortifications, and the old ones that are useless on the platforms I am planting in the trenches, and against such places where an enemy may land, and they will serve very well for partridge-shot. By advice from Col. Codrington, Antego, March 7, I understand that the French fleet was sailed from Martinico to Leeward. And by a Master of a sloop that came in here, I am inform'd that on March 14th he met between High Spaniola and Cuba 24 sail of great ships, which he believed were French men-of-war, and adds that he saw three flags amongst them. I have here enclos'd an indictment or presentment which was found against Col. Day the last Assizes, upon which he was fined 50*l.*, but upon his petition, I have respited the sentence till H.M. pleasure be further known. Pursuant to your commands of Feb. 11, 170*o*, I enclose a copy of the decree in Chancery upon the case of Micajah Perry and Mr. Joell. In answer to your Lordships' directions of Aug. 20 as to the Councillor's oath when he sits in Chancery, I enclose a copy, and that of my own. When I came to this govermt. I found the Chancery proceedings very irregular, but now, to a general satisfaction, they are more methodicall, people being pleased that rules are prescribed to walk by. Pardon me if I observe to your Lordships one practise I found amongst the Council, which was, that when sitting in Court they act as Judges by having liberty of debate and vote, but att other times they called themselves Masters in Chancery, and accordingly swore Defendants to the truth of their answers, and also took upon them to be examiners, and took depositions of witnesses, and had settled fees for so doing, and all without being any way qualified to administer an oath, unless being Counsellors makes them so, which I can't apprehend, and therefore, with submission, it's my opinion that all decrees made heretofore in this Court of Chancery are voyd in course, because neither answers have been sworn to before, nor depositions taken by persons qualified to tender an oath. I beg your directions what I shall doe, in case any motion should be made to sett aside a decree for the reasons mentioned.

In several cases the last Assizes, disputes did arise concerning the Laws of England being in force here, and some would have it that our Courts of Judicature are not branches from Westminster Hall, upon which I was applyed to and gave it, that these Islands are subject both to the Common and Statute Laws of England, which the 39 Article of my Instructions seems to confirm by saying that no man's life, member, freehold or goods shall be taken away or harmed under my governt., otherwise but by established and known Laws, not repugnant to but as near as may be agreeable to the Laws of England. And, with submission, where a point of Law arises, and noe Act of Assembly has been

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made whereby it may be determin'd, I presume it must be decided by the Laws of England. But I beg your Lordships' opinions, least I should be in error. I have here transmitted what Acts of Assembly I have passed since my arrival, vizt. (1) An Act for the speedy reparation of the Forts and Castle. (2) An Act for Imposition on liquors and sugars. The last Act was contriv'd to be brought up to the Council, just as a Brigantene was coming into the Harbour laden with wine from the Maderas, and if she had come to an anchor before this Act had passed, halfe of the duty of the wines in her had been lost, for it's just double to the former Act. On consideration of which I, tho' unwillingly, past it under so reflecting a preamble. But it is generally affirmed that the former Liquor Tax (mentioned in your Lordships' of Aug. 20), was limitted for two years, and that it was a misentry of the Clark's which made it indefinite; but on the contrary I cannot imagine why Col. Day should pass it under a limitation, it being directly opposite to his Instructions. And my reason for promising to dispense with it till H.M. pleasure be further known, was because they gave a greater supply in this last; and if your Lordships think fitt, I will let the former sleep till this is expired, and then publish your Lordships' and the Attorney General's opinions on the old one. (3) An Act to prevent oppression of Officers. This Act I have already twice transmitted. (4) An Act for laying an imposition on horses. (5) An Act for establishing Fast Days. (6) An Act to prevent the evading of payment of just debts.

I have also transmitted the Assembly's request that H.M. would be pleased to consent to allow me the present therein mentioned. The Assembly, by their Address, have desired me to represent the sufferings of the poor by a clause in an Act which forbids the transportation of plating out of these Islands, unless made up into Basketts, Bongraces. I was in hopes that by this conveyance I should have sent transcripts of all Laws that are in force here, but I must beg your Lordships' patience, they being very long and Clarks are scarce. *Repeats extract of letter given below, No. 390.*

I thought it might be convenient to give your Lordships an account of the prices of provisions in the places [*there*] mentioned, least it might be thought convenient to provide for the King's Fleet from thence: viz. Pork at Ronoke, or North Carolina 1l. 15s. 0d. a barrel, consisting of at least 2 *cwt.*, but if not salted 1½d. a *lb.* Beef barrell'd, 1l. 5s. 0d., if fresh 1d. a *lb.* Indian Corn 1s. 6d. a bushell. Wheat 3s. 6d. The same at Virginia. At Carolina, beef at 1l. 10s. 0d. a barrel, rice very plenty, but I can't lerne the price, Indian corn abt. 2s. a bushell; pease 4s. At Maryland the same as at Ronoke and Virginia. At Pensilvania flower and biseake bread about 18s. a *cwt.*, beer abt. 16s. the barrel, beefe and porke plenty, but dearer than at Ronoke, price uncerley [*sic*]. At Boston the same as at Pensilvania, but not so plenty. At Conecticut, beef, porke and Indian Corn is plenty, and about the same prices as att Ronoke. Att New Yorke, bread, beer, beef and porke is plenty, abt. the same prices att Pensilvania; pease 4s. a bushell. *Signed*, Ben. Bennett.

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*Endorsed*, Reed. Aug. 10, Read Sept. 3, 1702. *Holograph.* 4 pp.  
*Annexed*,

388. i. Abstract of preceding. 1 $\frac{3}{4}$  pp.

388. ii. Copy of the petition of Samuel Day, late Governor, to Gov. Bennett. At the late General Assizes, holden before the Honbl. Richd. Stafford, Chief Justice, a bill of indictment was, by the Grand Jury, found against Petitioner upon a charge of a false libell against your Excellency's government. Petitioner praying a traverse, was allowed the same, and not being bound for any recognizance for appearance or anybody bound to prosecute him, did believe the said Bill cou'd not be tried 'till the next Assises, neither had he any summons to appear. Notwithstanding all which, the Chief Justice, Petitioner neither having notice nor being present, hath passed sentence against Petitioner to be fined 50*l.* and imprisoned until the fine be paid. Prays H.E. to remit, suspend or respite execution on that judgment until H.M. pleasure be further known. *Signed*, Sam. Day.  
*Endorsed*, Reed. Aug. 10, 1702. 1 p.

388. iii. Copy of the presentment of the Grand Jury against Samuel Day. Bermuda, Jan. 14, 170 $\frac{1}{2}$ . H.M. having appointed a Lieut.-Governor in his place, who hath restored by H.M. directions several well deserving gentlemen in these Islands to the place and dignity of the King's Council and commissionated a Chief Justice and several Justices of the Peace and thereby determined the Commissions of others before commissionated by Day to the general satisfaction of H.M. good subjects in these Islands, Day, of his own corrupt and wicked mind, envying the prosperity of these Islands, with a malicious intent to vilify and scandalize the good Government of these Islands, and to produce a dislike, disesteem, and contempt of the present established Government of these Islands, about Oct. 5, 1701, at the house of Anthony Peniston's, senior, near the Flatts, did publish a false libell against the Government [See *Cal. 1701*, No. 947], meaning that by the craft of those represented by the names there given, knaves were put in the seats of Government and Justice.

This presentment being found a true Bill, Day prayed a traverse, which was granted and time allowed to plead. But he not putting in any plea in the time limited, and refusing the same, judgment of the Court was given against him, *as in preceding.* 2 $\frac{1}{3}$  pp.

388. iv. Memorandum of Acts of Bermuda, July 3, 6, 27, 1701.  
 $\frac{1}{4}$  p.

388. v. Address of the Assembly of Bermuda to the Governor, July 4, 1701, desiring him to represent to H.M. to repeal the clause in the Act, enacted under the Government of Samuel Day, providing that "no Platt wrought or made up of Palmeto Tops or leaves of the growth of

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these Islands shall be exported, unless such Platt shall be made into Basketts, Hatts, Bongraces or otherwise as the manufacture of these Islands," the said Clause having been found to be very prejudicial to the generality of the poor inhabitants, who make platt, and no benefit either to H.M. or the public benefit of these Islands. *Endorsed*, Recd. Aug. 10, 1702. 1 p.

388. vi. Copy of the Oath of the Lt.-Gov. and of a Councillor in Bermuda. *Same endorsement.* 2½ pp.

388. vii. Copy of a Decree of the Court of Chancery of Bermuda, Feb. 2, 170½, in the case of Micajah Perry and Co., London, Merchants, *v.* William Joell. It appearing that the logwood mentioned was not found in the brigateen at her capture, but was afterwards put in by the pirates, and by them given unto defendant as his own goods, and defendant, immediately after his departing with the pirates having endeavored for Pensilvania, whereto the owners belonged, he was therefore ignorant who were the owners or where they lived. Not being able to get to that port, he happened upon Curaçao, where he forthwith applied himself to the Governor and principal officers for their advice, and the briganteen being in a very leaky and ruinous condition, he, by their advice, sold her. The Court decree that the quantity of logwood mentioned in justice and equity belongs to him, and that he pay to the Complainants 390 pieces of eight, being what was remaining in his hands after charges paid for the ship. Costs divided. *Same endorsement.* 1¾ pp.

388. viii. Copy of Address of the Assembly of Bermuda to the King, July 4, 1701. Having a great sense of H.M. particular regard to the suffering condition of the inhabitants under the male administration of the late Governor Day, and his evil Ministers, and of his gracious delivery of them from their great oppressions by commissionating Governor Bennett, the beginning of whose government, tempered with justice and clemency, hath raised the drooping spirits of the suffering inhabitants and dispelled their just fears, and in some measure to testify their just acknowledgment, the General Assembly do present to him 300*l.* and to his virtuous Lady 50*l.*, and to that end supplicate H.M. that the said moneys may be applied to their behoof. *Same endorsement.* 1 p. [C.O. 37, 3. Nos. 68, 68.i.–viii. ; and (without enclosures) 38, 5. pp. 244–252.]

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**389.** Duplicate of above letter. 4 pp. *Enclosed*,  
 389. i. Copy of Acts of Assembly of Bermuda, July 6, 1702. 42 pp. [C.O. 37, 25. Nos. 72, 72.i.]

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**390.** Extract of a letter from Lieut.-Governor Bennet to the Earl of Nottingham. Pardon me if I offer to your consideration

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[that], in case of a warr, whether it would not be advisable to prevent provision ships bound from New York, Boston, Carolina, Pensilvania, Virginia, Roscoke [sic. ? Roanoke] Maryland and Conecticut, to go to the southward without convoy, by reason that, as I am credibly informed, in the late war the French must have starved in the West Indies, had it not been for taking such provision vessells, by which they were so plentifully furnished at Martinico and other their Plantations, that bread, flower, pease, Indian corne, rice, beef, pork, and all manner of provisions were cheaper then at the places they were brought from. *Endorsed*, Recd. Read Aug. 18, 1702. *Copy.* 1 p. [C.O. 37, 3. No. 67.]

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**391.** William Penn to the Council of Trade and Plantations. Answer to Abstract of Complaints, April 16. (1) This is more than I know, and wonder if true, that Coll. Quary (who I perceive presents this information to this honourable Board) never told me so before. For I never heard but of one vessell that plaied us that trick, and I wish Coll. Quary and his officers had been more vigorous to prevent it. But for the vindication of our merchants and of that Colony, I must desire Coll. Quary to prove the charge, that due course may be taken to punish the faulty and prevent such things for the future. (2) I pray proof of this also: for he never complained to me, that I can remember, of such neglect. But this I know, that he told me, he thought I was too hard upon the tobacco planters, in making that law; for by that law the hoggheads of tobacco were to be weighed at their shipping, because they used to pass formerly at 400lb. weight by content, tho' perhaps they or the merchants crowded in 7, 8 or 900lb. weight into a hogghead, by which the King lost at 1d. per lb. not less than thirty, forty or fifty shillings, which in 1,000 hoggheads comes to 1,500 or 2,000 pounds. (3) Coll. Quary in his letter to this Board, laid the charge, as if I had granted that Commission to all the Sheriffs. But of six Sheriffs for the six counties, two only had them. They were granted of necessity, to suppress great disorders upon the water, and in his absence, and never disputed by his Deputy; and when objected against by himself, at his return (after six months' absence, upon his traffick into other Colonies) I did immediately command the Sheriffs to forbear acting by them, till further order; one of them never had, and the other but twice, and that in slight occasions. However, 'twas drawn by one that Lord Bellomont had made a King's Council at New York, and Naval Officer thereof, well acquainted in such matters: and I offer'd to joyn with him to represent it home to this or the Admiralty Board, to give us our true boundaries, as the King's Council in both Laws should advise; which he once promised, and best knows why he did not perform it. (4) There is as much as was in Coll. Fletcher's time. And the same Lieut.-Governour I continued in command by the Queen's direction; all Commissions being by proclamation to remain in force, till revoked, and they never were. But it is a mistake that I had my

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Government restored me upon those terms: let the Royal Instrument be consulted. Nor was my right ever dissolved, or that interruption given me, to be by Law vindicated. And for the country's being left defenceless, 'tis an imposition on the Lords to tell them a Militia can secure it; since by land there's none to annoy it; and by sea, the position of the country, and the manner of our Settlements considered (our distance from the sea being 160 miles, New Castle 120, and the shoals and narrows so many), that a small vessell of war would, under God's providence, be the best security. (5) I never, to my knowledge, invited or entertained one French Indian in my life; but discouraged Frenchmen, employed by Coll. Quary or his customers, from trading with our Indians (the cause of that restraint) that they might not debauch them from the English friendship and interest. All which is notorious in those parts, where the truth can only be examined and found out. My profit by the Indians was never sixpence, but my known perpetual bounties to them have cost me many hundreds of pounds, if not some thousands, first and last. But this shews a necessity of a *melius inquirendum* upon the place. (6) I acknowledge the 2,000 pounds that money (which makes not 1,200*l.* English) but his 1,000*l.* is not above 700*l.* that mony, nor 500*l.* this, and near expired. But is that such a recompense, when 5 times the sume is less than my due! having not had for 20 years one farthing, but maintained the Deputy Governour at my own charge. And yet more than half of what they gave me is unpaid, and if Coll. Quary and his adherents can obstruct it, will never be paid me. Whereas had the Law of Imposts, given me in '83, been received by me, it had been 20,000 pounds and more mony in my way; and which was only waved by me for a few years, in our infancy, upon promises never performed to me. But for the 350*l.* the King writh to me about; I did not only endeavour to raise it, by calling an Assembly (and which helps up the charge of the 600*l.* he talks of) but writh to the Governour of New York, that though I paid the 350*l.* myself he should not want such a sume for the King's service. Whose answer was that he neither wanted men nor mony, but Coll. Romer, the Engineer that the New Englanders kept from him. Nor was it at the same Session or Assembly that gave me that supply, but more than a year after. Therefore it cannot be justly concluded, that I preferred my own wants to the King's service. And it was poverty more than defence that was the excuse of the Lower Counties for not contributing to it, where a ship only is, as before, their best security: the town of Philadelphia, at least the County, being in reality worth more than all the inhabitants of the Lower Counties, who yet have equal priviledges with the whole Province, on whose account he makes this reflection upon us; their proportion of the 2,000*l.* tax being but four to twenty to the Province, of which the county of Philadelphia bears the half, which is 1,000 of the 2,000 pounds, and consequently one half more than as much again as the three counties pay. However they are not singular: Virginia and Maryland, old and opulent,

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as well as the King's colonies, having declined their quota. (7) It was then declared to them and consented to, that the imperfection of some Laws, in matter and wording, would require a review another Session. And none were kept back, but those that were made toward the end of that Session, when the early frost setting in so hard, and the sickliness of the place, made the Members impatient of further stay. Nor am I (as I presume) obliged by my Patent to send them in so short a time. However I expect them daily. (8) They had a sight of the Deed of Feofment, and were also told by me, it was upon record at New Yorke. And for threatening them with a goal, 'tis a most abusive perversion: for what was said was to a Member, but of one that was not a Member, that was supposed to have sowed some reflections about the town, by himself or Agents. And upon that I said, Tell me his name, and prove it upon him, and I will take care to lay him where I shall prevent his seditious practices, till the King's commands are known, or the Law release him. This is the truth of the case. And I am still of the same mind, for the preservation of the common peace, nor did I know how to preserve it otherwise: and I thank God, it continues still, and I hope will, till the Queen's pleasure shall be known; while our neighbours at New Yorke are in such confusion and extremity, though not only a King's Colony, but one of the most importance. (9) For this foul charge, I might referr the Board to the Records of the County; however I will say thus much: Nobody complained to me of it, nor appealed about the first of them: but I have heard, the reason of his being cleared was, that the single witness against him ran away, and was a fellow of no credit into the bargain: upon which, after a long imprisonment he was discharged in open Court of Quarter Sessions. For the woman; she is neither pardoned nor acquitted, but the whole case lies with the Secretary Vernon, to whom I sent it, for the King's mind, who only could pardon her. And for want of a sufficient prison, is still in custody (if living) of the Sheriff, who waits for directions therein. Which representation was at the instance and address of the Swedish Minister and Congregation, of which she was a member, that pleaded: (1st) That it was her own discovery: (2nd) That it was five years after the Fact: (3rd) Her extream sorrow and repentance of which her discovery was an instance. As to the rape; the man challenged by the woman married her. And in the opinion of the two only lawyers of the place, and one of them the King's Advocate of the Admiralty and the Attorney General of the country, her evidence was thereby enervated. But because the marriage was not so regular as the Law required, I ordered the prosecution of it with the utmost rigour; as the Minutes of Councill will shew. For the reflection upon our profession in stiling the father an eminent Quaker; first the father was but a late comer and little known: and 2dly far from eminent here or there, but of all held a quiet, honest man, who had been his son's security, the time he had his liberty to take in his harvest, that had suffered considerably for want of him, before it was admitted: nor was

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it at last without good authorities in law. (10) That was true :— and they punished for it, or I had severely prosecuted them. But this was done some time before my arrival. (11) This I positively must disown. For I never did deny one, nor was ever appealed or complained to. If any Court in my Government presumed to do so : I hope I know better things in justice and prudence, than to countenance or endure it. (12) It was no fault of mine, since I could not stay to receive it. But his name was sent over by me to my son for that service, above a year before I thought of my hasty return, but it was it seems omitted to be presented, because of the doubtfull issue of the Bill then in Parliament against us. However, I have the opinion of Chief Justice Atwood at New York, that being a Governour, in my own right till the King could be apprized of it, the appointment I made was good. And Coll. Quary cannot but know, that necessity is ever a commission ; and that I was under an absolute one, both to come and to choose him, seeing there was not another person in either province (not a Quaker) capable of it, unless my last Lieut.-Governour that I had displaced upon the King's commands in '99. And I hope whatever be Coll. Quary's point, the Lords will judge of my proceeding according to the nature of publick exigencies. *No signature.* *Endorsed,* Recd. Read April 28, 1702.  $3\frac{1}{4}$  closely written pp. [C.O. 5, 1261. No. 85 ; and 1289. pp. 440—449.]

April 28. 392. Council of Trade and Plantations to the Earl of Manchester. Several matters from New York lying before us for our report to H.M. the next Council day relating to Col. Bayard and Capt. Hutchins, committed for High Treason and misdemeanour upon a prosecution wh. (so far as yet appears to us) is not sufficiently founded, in the meantime by reason of a ship's sudden departure for those parts, we do humbly offer that it consists with H.M. justice and the good and quiet of the Province that H.M. pleasure be forthwith signified to the Government of New York that execution of any sentence or sentences, which may be past against those persons or others on that account, be respited until H.M. further order be known, and we desire your Lordship to move Her Majesty herein. *Signed,* John Pollexfen, Mat. Prior, Rob. Cecill, Ph. Meadows, Wm. Blathwayt. [C.O. 5, 1119. p. 130.]

April 28. 393. Minutes of Council of the Massachusetts Bay. A question being moved upon the construction of the Order of Assembly for a temporary establishment of the government of the College, it was decided that Mr. Samuel Willard and the other gentlemen named are thereby sufficiently impowered to carry on the work of the approaching commencement and to confer degrees upon the Commencers.

Mr. James Taylor was empowered to take such assistance as he should think fit, in place of Elisha Hutchinson and others appointed but now unable, to find the Southermost part of Charles River and of any and every part thereof, etc., as directed by the Assembly in June, 1700.

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Order signed directing Capt. Henry Crofts, H.M.S. *Gosport*, to repair the said ship.

Licence granted to Andrew Belcher to erect a building of timber for a barn on his land within his pasture at the South end of Boston between the house of Timothy Dwight, deed., and the brick house wherein *Aeneas Salter* now dwells.

Wages paid to Capt. Southack and his men, Oct. 21, 1701—March 27, 1702.

Warrant signed for payment of sloop-hire to John Mitchel and to John Swarton for his services as Interpreter on the occasion of supplies lately sent to the Eastern Indians.

400*l.* paid in part payment of 88 barrels of gunpowder lately bought from Peter Sergeant. [C.O. 5, 788. pp. 133—136.]

April 29. **394.** Council of Trade and Plantations to the Queen. Refer Whitehall. to history of the  $4\frac{1}{2}$  per cent. and repeat the state of defence of Barbados with the recommendation of the Board thereon. (See Jan. 24.) "We humbly conceive that the duty of  $4\frac{1}{2}$  per cent. arising there is chargeable towards this expense. We are humbly of opinion that the Forts and Fortifications be forthwith repaired under the direction of Commissioners to be appointed by the Governor and Council there, and that an able Engineer be sent from hence for that purpose, together with some experienced gunners (the Agents mention the number of 18), as likewise that Magazines be built for the better preservation of stores, for which we humbly offer that your Majesty will be pleased to allow a competent sum out of the said duty. The Agents have likewise proposed that an Hospital be built for the reception and accommodation of sick and wounded seamen and soldiers, which may be done when other more pressing services are provided for. *Quote letter* from President and Council, Feb. 19, and their request for a Regiment of Foot. *Quote Governor Codrington's reports* on the state of defence of the Leeward Islands. We humbly offer that such part of this Duty of  $4\frac{1}{2}$  per cent. as your Majesty shall direct be applyed towards the supply of these demands. And that your Majesty would send your Royal Letters to the Governors of Barbadoes and of the Leeward Islands, to use their best endeavours to incline those Assemblies to continue the publick levies for the more effectual carrying on and completing the services above mentioned, and others conduced to the safety of those Islands. *Signed*, Stamford, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Mat. Prior. [C.O. 29, 8. pp. 15—23.]

April 29. **395.** William Penn to the Council of Trade and Plantations. Answer to Col. Quary's Memorial, April 20. To the three first paragraphs, relating to Anthony Morris ;—If I may say so mean a thing of myself, I had long agoe Coll. Quary's license to re-employ that man, after a thorow examination of him about the old business of the Replevin, in Councill, Coll. Quary present, it appearing evidently to his satisfaction, that he was not only surprized by the Lawyer that brought it to him to sign, but

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threatened into it, that if he did not do it, he denied justice to one of the King's subjects. Upon which, as well as a private discourse between Coll. Quary and the said Morris, he declared, if what he had writt of him were to do again, he would not do it, for that he beleived, he was imposed upon. Besides this, we have next to no choice in those parts, and he had been one of the most sufficient as well as diligent Magistrates there. (4) To the fourth paragraph I have heard but of one vessell, since my leaving the province, against which an information was brought to the Courts of Common Law, and I am sure there was none during the time I was there. The officer's letter is the best answer I can give ; besides the notorious obscurity, if not apparent contradiction of the Law of the 7th and 8th of the late King, so often complained of, in my hearing, at your own Board, as well as that of the Admiralty and elsewhere, upon which this dispute arises : and it were happy, there were plainer directions to officers in their duty. (5) To the fifth paragraph. I desire Coll. Quary may produce his proof and authority for the charge therein contained. But if I had commissioned that gentleman my Attorney General, after having been preferred by a King's Governour of Lord Bellomont's quality and character, both to be one of the King's Council and Naval Officer, in so eminent a Colony as that of New Yorke, I cannot see the offence. And if men as guilty as he is said to have been, must, after repentance as well as pardon, never have been employed, some colonies would have wanted many a good officer and magistrate, to say no more. (6, 7) To the sixth and seventh paragraph, I am wholly a stranger, having never been asked for such an instrument, nor heard it was ever refused by any officer in the Government. This must have been before my arrival, or since my leaving the Province. And what is fit for me to do in that matter, shall be complied with. (8) To the eighth and last paragraph. I know not what information has been given to Coll. Hamilton ; but dare say for him, he neither wants vigilance, courage or loyalty to do what becomes him in such a conjuncture. But as there have been many false alarums, his silence to me makes me think this to be another. And for Lewis Lemoizin ; if he be run away, it is to some of the Five Nations, under New York government, from whence he had his wife ; and that only from the uneasiness I gave him in his traffick with our Indians, under my government, lest he should negociate anything to the disadvantage of the English interest. But both this man and one Peter Bezallion were, I have been told, the great factors for the Company in the Indian Trade, of which Coll. Quary is the chief Agent. And for his spies and defenceless condition of the Province ; it is a story, I would hope, cannot possibly pass upon your understandings. The French are not now to know the condition of the back-parts of all the English Colonies upon the Continent ; and therefore his spy is with me at best but a vain conjecture ; neither are we more defenceless there than Maryland and Virginia. Nor indeed is it possible to defend scatter'd settlements against surprizes, if the French could come so far to make them, which is next to

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impracticable: nor can they reach us without passing through the aforesaid Five Nations of warlike Indians, and several of our English Colonies. But the danger to them has never been from French but their own Indians; nor to them, but upon repeated injuries and provocations given them; which I thank God, our folks have escaped these 20 years, as defenceless a people as we are rendred, because we have not only been just but very kind to them, as I am ready to make appear from their own testimonials, and if any danger is like to attend us (as they that hide can find, so) let me wish, that Coll. Quary and his few factious adherents may never be the cause of verifying those suggestions, from his known inveteracy agt. us. I could say more upon that head. And if what he has alledged could have weight enough with this honourable Board to find credit against us, I must in the name of the inhabitants of that Province, as well as in my own, beseech the Lords to represent to the Queen, the necessity of a free and impartial enquiry upon the spot, into the truth of his informations: for after charges so black and enormous, there is no avoiding the nicest scrutiny. I humbly add, that for the safety, as well as peace, of the Province, I have deputed a gentleman of known good qualities, Coll. Hamilton, to answer that end; if the Queen shall please to add Her necessary and Royal qualification; which shall be humbly sought from her, with all possible speed. *Signed,* Wm. Penn. *Endorsed,* Recd. Read April 29, 1702. 2 pp. *Annexed,*

395. i. Robert Assheton to William Penn. Philadelphia, Dec. 17, 1701. Affairs here run smooth and even. I suppose Governor Hamilton (lest the matter should be rendered otherwise than's true) has given your Honour an account of Will. Righton's brigantin. He arrived here from Jamaica about Nov. 5 last, and immediately applied himself to me, and told me he had unfortunately lost his register, as also his clearance for a small cask of indico he had then on board (producing at the same time several invoices for European goods with certificates of their being legally imported into Jamaica) solemnly protesting that he had them in his hands not a week before, and supposed they were destroyed, for that he found his Mediterranean Pass (they being all together) in the hold, torn in pieces with the rats. I told him the Laws required I should seize the vessel, and so I did, and drew up an information and exhibited it before the Justices of the Court of Common Pleas, whereupon he petitioned the judgment, and prayed that Bond might be taken for his producing a certificate from Jamaica of his having given bond and paid H.M. duties for the said cask of indico. The Government was pleased to consider his case, and ordered me to take good security, which I did, in 1,000l., to produce the certificate in nine months. The brigantine is lately sailed hence again for Jamaica more for the sake of the certificate than the expectation of a

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beneficial voyage. The Admiralty Officers are a little chafed by reason I exhibited the information of the Common Pleas, so that your Honour may probably hear of it, but I humbly presume the Acts of Trade will justify me therein. I shall study H.M.'s and the Church's interest as much as the best of them, let their pretensions be never so great. *Signed*, Rob. Assheton.  
1 p.

395. ii. Copy of Articles of Agreement concluded at Philadelphia the 23rd day of the second month called April, 1701, between William Penn, Proprietary and Governor of Pennsilvania, and Connoodaghtoh, King of the Indians, inhabiting about the River Susquehannah and Widaagh (*alias* Orettyagh) Koqueeash, Andaggy, Junkquagh, Chiefs of the said Nations, and Wopathha, King, and Lemoytungh and Pemoyajooagh, Chiefs of the Nations of the Shawonnah Indians, and Ahookassoongh, brother to the Emperor, for and in behalf of the Emperor (and Weewhijough, Cheequittah, Takyewsan, and Woapackoa Chiefs) of the Indians inhabiting about the northern part of the River Pocomock, in behalf of themselves, successors and people. That as hitherto there has always been a understanding and neighbourhood between the said William Penn and his Lieutenants since his first arrival in the Province, and the several Nations of Indians inhabiting in and about the same, so there shall be for ever hereafter a firm and lasting peace between the English inhabitants of the Province and the said Indians. The said Kings and Chiefs (each for himself and his people engaging,) shall at no time hurt, injure or defraud, or suffer to be hurt, injured, or defrauded by any of their Indians any inhabitant of the said Province, in person or estate. William Penn, his heirs and successors, shall not suffer to be done or committed by any of the subjects of England within the said Province any act of hostility or violence, wrong or injury to any of the said Indians; but shall on both sides at all times readily do justice and perform all acts and offices of friendship and good will, to oblige each other to a lasting peace. All every the said Kings and Chiefs and all every particular of the Nations under them shall at all times behave themselves regularly and soberly according to the Laws of this Government, while they live near or amongst the Christian inhabitants thereof, and the said Indians shall have the full and free privilege and immunities of all the said Laws as any other inhabitant, they duly owning and acknowledging the authority of the Crown of England and Government of this Province. None of the said Indians shall be at any time aiding, assisting or abetting to any other Nation, whether of Indians or others, that shall not at such time be in

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amity with the Crown of England and with this Government. If at any time any of the said Indians by means of evil-minded persons and sowers of sedition should hear any unkind or disadvantageous reports of the English, as if they had evil designs against any of the said Indians, they shall send notice thereof to William Penn, his heirs or successors, or their Lieutenants, and shall not give credence to the said reports, till by that means they shall be fully satisfied concerning the truth thereof, and William Penn, etc., shall at all times in such cases do the like by them. The said Kings and Chiefs and their successors and people shall not suffer any strange Nation of Indians to settle or plant on the further side of Susquehannah or about Pocomock River, but such as are there already seated, nor bring any other Indians into any part of this Province without the special approbation and permission of William Penn, his heirs and successors. For the prevention of abuses that are too frequently put upon the said Indians in Trade, William Penn, his heirs, etc., shall not suffer or permit any person to trade or commerce with any of the said Indians, but such as shall be first allowed or approved of by an Instrument under their hand and seal. The Indians shall suffer no person whatsoever to buy or sell or have commerce with any of them but such as shall first be approved as aforesaid. The Indians shall not sell or dispose of any of their skins, peltry or furs or any other effects of their hunting to any person whatsoever out of the Province, nor to any other person but such as shall be authorised to trade with them as aforesaid. For their encouragement William Penn, etc., shall take care to have them duly furnished with all sorts of necessary goods for their use at reasonable rates. The Pocomock Indians shall have free leave of William Penn to settle upon any part of Pocomock River within the bounds of this Province, they strictly observing and practising all and singular the articles aforesaid to them relating. The Indians of Connoseogoe and about the River Susquehannah, and more especially the Connoodagtah, their King, doth fully agree to and by these presents absolutely ratify the bargain and sale of lands lying near and about the said River formerly made to William Penn, etc., and since by Orettyagh and Addaggy, Junkquagh, parties to these presents, confirmed to him, by a deed of Sept. 13 last, under their hands and seals duly executed. Connoodaghtoh doth for himself and his Nation covenant and agree that he will at all times be ready further to confirm and make good the said sale according to the tenor of the same, and that the said Indians of Susquehannah shall answer to Penn, etc., for the good behaviour and conduct of the Pocomock Indians and

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for their performance of the several articles herein expressed. William Penn doth hereby promise for himself, his heirs, etc., that he and they will at all times show themselves true friends and brothers to all and every of the said Indians by assisting them with the best of their advices, directions and Councils, and will in all things just and reasonable befriend them, they behaving themselves as aforesaid, and submitting to the Laws of this Province in all things, as the English and other Christians therein do, which they the said Indians agree and oblige themselves and their posterity for ever. In witness whereof the said parties have as a confirmation made mutual presents to each other; the Indians in five parcels of skins, and William Penn in several English goods and merchandizes, as a binding pledge of the promises never to be broken or violated. *Signed and sealed, Connoodaghtoh, Orettyagh, Koqueash, Andaggyjunquah, Wopaththa, Lemoytungh, Pemoya-jooagh, Ahookassoongh, Weewinjough, Cheequittagh, Takyewsan, Woapackoa. Endorsed, Reed. Read April 29, 1702. 5 pp. [C.O. 5, 1261. Nos. 86, 86.i.ii.; and (without enclosures) 5, 1289. pp. 449-454.]*

April 29. **396.** Capt. Gardner to the Council of Trade and Plantations. The yearly funds to pay the troops [*in Bermuda*] do always expire Dec. 24th, and are seldom supplied before the May following, and the Lords of the Treasury say they cannot warrantably advance any pay further then the funds given by Act of Parliament do go. Therefore that Company must be four months every year short of their subsistance. The Army being always paid by Muster-Rolls, and none being yet come from thence, that Company is continued on subsistance, which makes the officers very uneasy, all sorts of provisions being very dear there. They earnestly desire to be home again, thinking themselves useless there, and to which place they find soe great a deficuity to returne them their pay when issu'd. *Signed, Robt. Gardner. Endorsed, Reed. Read April 29, 1702. 1 p. [C.O. 37, 3. No. 69; and 38, 5. pp. 211, 212.]*

April 29. **397.** Journal of Council of Trade and Plantations. Mr. Penn Whitehall. laid before the Board his answer to Col. Quary's Memorial of April 20, which was read, and a copy ordered to be given to Col. Quary. He exhibited also an original contract made by him with the Indians in the neighbourhood of Pennsilvania, whereof a copy was ordered to be kept.

Representation upon the  $4\frac{1}{2}$  p.c. agreed upon and signed.

Letter from Capt. Gardner read. Ordered that he and Mr. Nodin be desired to attend on Friday.

April 30. Letter to the Lord Marquis of Normanby, Lord Privy Seal, acquainting him that (by his place) he is of this Commission, and desiring his Lordship's assistance when his other affairs will permit, signed.

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Letter to Mr. Lowndes agreed upon and ordered to be sent.

Mr. Mead desiring copies of the Acts passed at the General Assembly of the Leeward Islands, Dec., 1701 [see March 4], their Lordships ordered the same to be sent to Mr. Attorney General for his opinion, and then acquainted Mr. Mead that they had so done, and that when they came back they would be ready to give him copies of whatever may concern him, and hear what he may have to offer thereupon.

Memorial of Mr. Adderly and Mr. Lodwick and papers lately received from the Lt.-Gov. and Council of New York considered. Their Lordships, judging it a matter proper for a hearing before H.M. in Council, and that the parties who may be concerned on both sides have notice thereof accordingly, ordered that copies of all papers of Complaint against the said L.G. and Council in this matter, as likewise such as may be useful towards their defence, be given to Mr. Champante and to Mrs. Atwood, that they may provide themselves for a hearing when it may be appointed. Ordered that the like notice be given to Mr. Adderly and Mr. Lodwick, and that they be acquainted that they may petition H.M. for a hearing therein as they think fit, and that copies of what papers in this office may be of use to them and their correspondents, shall be furnished to them as they may desire. [C.O. 391, 14. pp. 450-454; and 391, 96. Nos. 77, 78.]

April 30. **398.** William Popple to Mr. Lowndes. Enclosing Report on the Duty of  $4\frac{1}{2}$  per cent. in Barbados. The Council of Trade and Plantations think it proper for H.M. service that a separate account of the proceed of that Duty be constantly kept. [C.O. 29. 8. pp. 24, 25.]

April 30. **399.** William Popple to Henry Adderly and Charles Lodwick. The Council of Trade and Plantations having considered your Memorial concerning Col. Bayard, etc., and judging it a matter proper for a hearing before H.M. in Council, they have order'd me to acquaint you that they leave it to you to petition H.M. for a hearing of those matters, as you think fit; and that in order thereunto they have directed me to furnish you with copies of what papers in this office may be of use to you and your Correspondents in that occasion. I am also directed to give the like notice to Mr. Champante, as Agent for the Province, and to Mrs. Atwood as concerned for her husband, the Chief Justice there, and to furnish them in like manner with copies of papers that may be useful to them for the defence of the persons concerned in the foresaid proceedings. [C.O. 5, 1119. pp. 131, 132.]

April 30. **400.** William Popple to John Champante. *To the same effect as preceding.* [C.O. 5, 1119. pp. 132, 133.]

April 30. **401.** William Popple to Madam Atwood. *To the same effect as preceding.* [C.O. 5, 1119. pp. 133, 134.]

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April 30. **402.** William Popple to the Attorney General. Enclosing, for his opinion in point of Law, the Acts of the General Assembly of the Leeward Islands, Nevis, Dec., 1701. *Annexed,*  
 402. i. List of Acts referred to. [C.O. 153, 7. pp. 436-438.]

April 30.

**403.** Minutes of Council of New York. Petition of Hannah, wife of John Hutchins, read and referred to further consideration. Petition of John Gonsales read. Ordered that the persons complained of be served with a copy thereof, and summoned to appear immediately on receipt of it. [C.O. 5, 1184. p. 664.]

May 1.  
Jamaica.

**404.** Lt.-Governor Beckford to the Council of Trade and Plantations. This ship staying longer than was expected, having been delayed by contrary winds, I give your Lordships this further trouble, to accompanye the Act which prohibits the exportation of provisions and warlike stores to foreigners, which has been adjudged highly necessary from the present apprehensions of a rupture with France and Spain, for such exportation would not only disfurnish ourselves, but supply those who are likely to become our enemyes, and if no warr breaks out, the Act continues but for three months. The Assembly pass'd this day an Act to impower Justices of the Peace in the several parishes to take an account of the Negroes, stock, etc., belonging to the inhabitants, in order to lay a tax for the quartering of the souldiers, which Act I shall endeavour to gett expedited, and hope your Lordships will receive it with the next from, etc. Pe. Beckford. *Endorsed,* Recd. June 29, Read July 24, 1702. 1 p. *Enclosed,*

404. i. Memorandum of Act of Assembly of Jamaica, March, 1702, for prohibiting the exportation of arms, ammunition, and provisions to strangers in time of danger.  $\frac{1}{4}$  p. [C.O. 137, 5. Nos. 67, 67.i.; and 138, 10. pp. 351, 352.]

May 1.  
Whitehall.

**405.** Council of Trade and Plantations to the Earl of Manchester. We have lately received letters from the Government of New York concerning persons who have been committed for treason and misdemeanours in that Province, and the correspondents of the persons accused having appeared before us with complaints against the proceedings of that Government, we are of opinion that it is a matter of such consequence as is proper for H.M. hearing in Council, and have acquainted the complainants therewith. *Signed,* Stamford, Rob. Cecill, Ph. Meadows, John Pollexfen, Mat. Prior. [C.O. 5, 1119. pp. 134, 135.]

May 1.  
Whitehall.

**406.** Journal of Council of Trade and Plantations. Letter to the Earl of Manchester signed and sent. [C.O. 391, 15. pp. 1, 2; and 391, 96. No. 79.]

May 1.

**407.** Minutes of Council of New York. Ordered that Abraham Gouverneur, who hath been appointed by the

1702.

Lt.-Gov. to be Corrector of the Press in this Province, receive a salary for his trouble of 30*l.*

Ordered that the Press for linnen and a small chimney-back for a chamber be left for the use of the Fort at the appraisement, the same being bought near twelvemonths since for the said use.

Salaries paid to Lt.-Gov. Nanfan, and A. Gouverneur, Speaker.

41*l.* 11*s.* 10*d.* paid to David Provoost for the use of himself and the rest of the Commissioners of the Publick accounts.

90*l.* paid to Col. Abraham Depeyster for a pipe of wine given to the soldiers of the Garrison and the Militia Regiment on H.M. last Coronation Day, and for 2 pipes of wine and 4 barrels of beer laid in by him against the arrival of Lord Cornbury.

May 2.

Ordered that the Laws passed the last Sessions of the General Assembly, as of this present Sessions, be transmitted by the first opportunity to the Agent of this Province, who is hereby ordered to apply to the Ministers for H.M. Royal Assent, and the Chief Justice is desired with any two of the Council to draw up the reasons for passing the same, to be transmitted to the Agent with the Acts.

33*l.* 6*s.* 4*1*/<sub>2</sub>*d.* paid to Robt. Walters for firewood for Fort William Henry, April 2—May 2. [C.O. 5, 1184. pp. 665, 666.]

May 3.  
Fort William  
Henry at  
New York.

**408.** Governor Lord Cornbury to the Council of Trade and Plantations. Being arrived here this day, and being informed that there is a person going immediately post to Philadelphia, in order to embark for England, I would not slip this opportunity of acquainting your Lordshipps that after a passage of seaven weeks I arrived here this day at eleven o'clock in the forenoon, and having published my Commission at the Fort and at the Towne Hall, I took the oaths and swore the new Council appointed in my Instructions, and ordered two Proclamations to be issued forthwith, one to declare that all Officers, Civil and Military, should hold their imployments till farther order, and the other to dissolve the General Assembly, which I find has sate a little while. I find at my coming hither great complaints of hardshipps suffered by many people, how well they are grounded, I am not yet able to inform your Lordships, but I shall not fail of sending you a full account by two ships which will be ready to sail from hence for England in ten days' time. I find here Col. Bayard under sentence of death for treason, what the Treason is I shall inform your Lordshipps by the next. I find likewise that many of the most eminent merchants here were fled into the Jerseys, some of which returned now upon my landing. *Signed*, Cornbury. *Endorsed*, Reed. Read July 15, 1702. *Holograph*. *Addressed*. *Sealed*. 1 *p.* *Enclosed*,

408. i. Proclamation dissolving the General Assembly.

"Another General Assembly shall be called as soon as the same can conveniently be for H.M. service." New York, May 3, 1702. *Signed*, Cornbury. *Printed by* William Bradford. 1 *p.* [C.O. 5, 1047. Nos. 44, 44.i.; and (without enclosure) 5, 1119. pp. 186, 187.]

1702.

May 3.

**409.** Governor Lord Cornbury to Mr. Secretary Vernon.  
*Repeats part of preceding and describes voyage.* We could not get up to New York till this day, about three miles below the town, some of the Council came to meet me, and as soon as we came to an anchor the Lt.-Gov. came on board, etc., *as above.* *Signed*, Cornbury. *Endorsed*, R. July 5, 1702. *Holograph Addressed.* 1 p. *Enclosed*,

409. i. Copy of Proclamation dissolving the General Assembly of New York. May 3, 1702. *Signed*, Cornbury. 1 p.

409. ii. Copy of Proclamation continuing all officers, civil and military, in their posts until further orders. May 3, 1702. *Signed*, Cornbury. 1 p.

409. iii. Printed copy of preceding. 1 p.

409. iv. Printed copy of No. i. 1 p. [C.O. 5, 1084. Nos. 1, 1.i-iv.]

May 4.

New York.

**410.** Samuel Broughton to William Popple. I heartily thank you for your kind remembrance of me in your letter to our Chief Justice, and should have been glad to have had the further satisfaction of knowing whether you have had any from me to yourself and Lords. I perceive they are well pleased with the Judge's accompt of his own and others' proceedings here, and the credit thereof has gained him another 70*l.* per annum for two years, or 150*l.* if he leave the Province sooner, by Act of General Assembly past after my Lord Cornbury was arrived here within our Port, whether he came (thanks be to God for it) very safe, the last of the last month att night with the merchts.' ship with him; the ship of stores came in the day before. H.E. has published his Commission, taken the usual oaths and given the same to as many of his Counsell as are in Towne, of which beyond my expectation I have the honour to be one, and finde myselfe happy in his Lordship's favour, who is I perceive fallen into very right notions of the people and the Government here. I doubt not but by his great wisedome and justice, which adapt him for Government and are conspicuous in H.E., he will in a short time render this Province and the affairs and trade thereof much more easy and flourishing then of late they have been. I am credibly informed the Chief Justice hath wrote complaints against me to your Board. I am not yet prepared to lay those matters before them, wch. I have in prospect, but do purpose (God willing) to send them in a little time such a true state of things here as shall be a sure foundation for their Lordships to act upon, who I know value no peculiar interests but the good and welfare of the publique in such a way as may most tend to H.M. service. I therefore most humbly beg of their Lordships whatever is come to their notice against me they will favour me so far as to suspend their judgements thereof till they see how I can justify and approve myselfe to my Lord Cornbury in the duty of my place and office, the neglect of which has been so powerfully urged against me by the Chief Justice here that I had great difficulty to avoid a suspension by the late Lt.-Gov., besides other indignitys cast upon me by his contrivance or connivance, much dishonouring the character and commission I bare under H.M.

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in receiving a presentment by the Grand Jury at one Supream Court, for neglect of my duty, whilst I was actually in Court attending H.M. service, and in ordering Mr. Solicitor General to put the same into a formall indictment against me, and for no other reason that I know of, but because I was really ill a little before that time and could not appear to give countenance to some violent prosecutions he was then upon, which their Lordships will hear more of in a little time. I would not willingly prejudice the Gentleman, tho' he hath been very hard upon me and all myne ever since wee left England, so leave it to your discretion whether to impart it to the Lords of Trade or not, as my own interest and safety requires. *Signed*, Sa. Sh. Broughton. *Endorsed*, Reed. Read July 16, 1702. *Addressed*. *Sealed*. 2 pp. [C.O. 5, 1047. No. 45; and 5, 1119. pp. 188-190.]

May 4.  
London.

**411.** Mons. Le Tort to William Penn. Hearing that Le Sieur Coireay [? Col. Quary] has presented a Memorial against you concerning your government, I thought it my duty to write to you, since no one is better qualified than I, after 16 or 17 years since the persecution in France forced me to your Province, especially as regards the affairs of the Indians, amongst whom I have lived and traded all that time. Le Sieur Coiré is very ill informed or rather very malicious in attributing to you a trade or commerce with the savages, a thing which ought to be attributed to him rather than to you, etc. *Signed*, Le Tort. *Endorsed*, Reed. Read June 1, 1702. *Addressed*. "M. Peen de present . . . a Bristol." *Illiterate French*. 3 pp. [C.O. 5, 1261. No. 87.]

[May 4.] **412.** Abstract of some letters from New York May 4. On the first Tuesday in April the Supream Court sat as usual. Sam. Bayard, Col. Bayard's son was with his father taken up and bound in recognoistance of 1,500*l.* to appear, whch. he did the first day of the Court, and before the Grand Jury were sworn pleaded the Proclamation the Governor had issued out, promising to prosecute none but the four therein named, but to no purpose, unless he would make an humble petition, acknowledging his crimes, which the Judge told him two had sworne, viz. that they saw him in the Coffee-house room when they signed the Addresses, and that he advized his father not to owne himself guilty of High Treason, whereby the Judge told him he was become an accessory and abettour to the Treason, and was as guilty as his Father and lyable to be prosecuted for it. He waited severall times, but at last got admittance to the Lt.-Gov., who, though he pleaded the benefit of the public faith in their proclamation, was told it was to no purpose unlesse he acknowledged himself senceable of his offences, upon whch. he should be discharged, whch. he did, and after awaiting on the Court 2 or 3 dayes longer the Judge told him he was discharged because he had confess and begged the Governor's pardon. The Court in the meantime proceeded a Grand Jury all of Dutch (as for Col. Bayard) sworn, they brought in four presentments, one against Mr. Broughton,

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the Attorney General, for neglecting his duty in prosecuting the two criminals, Col. Bayard and Hutchins, who were condemned, one against Mr. Tho. Wenham for high misdemeanour, for being one of the four who had subscribed a petition to the Lt.-Gov., saying my Ld. Cornbury was to succeed the late Earl of Bellomont, and refusing to deliver copies of the Addresses ; one against Mr. Phil. French for the same offence, another against Roger Baker for saying the 5th Nov. last, the *King was made a nose of wax and no longer King then the English please.* Mr. Wenham and French could not come to trial because they were absconded for a considerable time before. Roger Baker came upon trial with a packt petty jury according to custom, whereof four happening to be absent, a taley was ordered, and altho' there were then spectators in Court, about 30 Englishmen, and he told so, yet the Sherrif went out and brought in three Dutchmen of their partie, and finding no more he was forced to take one John Ellis, an Englishman then in Court. Three witnesses were sworn ; the first said Baker spoke the words, but that they were all very drunk, it being hollyday. The other two said they were allways present with them, but heard no such words, nor nothing like it, that they were all drunk, but the other witnesse to that degree he could not stand. Judge Atwood gave charge to the Jury to bring Baker in guilty. The Jury went out and staid all night, then came into Court and delivered their verdict, Not Guilty, at wch. Judge Atwood was very angry, refusing to take their verdict, sent them out again, when after 6 hours they returned again with Not Guilty, at wch. the Judge grew very passionate, threatening them several times. They were sent out three several times more and persisted Not Guilty, upon which the Judge threatened to imprison and fine them, that so scared the 11 Dutch that in open Court being sent for (it being about an hour before the Court was to determine) were demanded why they were not agreed, and who it was that would not agree to find guilty, answer was made, John Ellis, upon wch. the Judge fell upon him with such menacing language in open Court, and a considerable time hectoring and threatening him, he so managed him too, that at last he gave his consent in open Court, where Baker was recorded guilty and fined 400 pieces of eight, and to remain in custody of the Sherrif till his fine was paid, and after that until he made acknowledgment as the Governor should think fit. A Court of Exchequer are now sitting to condemn Mr. Philip French 1,000*l.* on a bond he formerly gave to return certificate of the innumerated commodities shipt on board a brigantine one Wright Master, which vessel was lost at sea.

A Jury of enquiry have returned what estate Mr. Livingston has in this county, in order to a seizure for money said to be owing to the King, which the present Assembly, the present Council and the late Lord Bellomont made up his account and gave him bills for, but now it's said they have found out he has cheated them, for wch. his estate must be seized.

On the primo May we had the certainty of my Ld. Cornbury's arrival, since which our Assembly have sat night and day without

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any intermission, and in great hurry have finisht and publisht the day my Lord came up, seven Acts, one to pay Leisler's debts, 2,700*l.*; one to outlaw Mr. French and Mr. Wenham; one to add five members to the Assembly (in those counties where they hope they may carry it) with a clause that it shall not be in the power of a succeeding Governor to add any more members or diminish those that are; one for regulating the election of Aldermen (to perpetuate their tirannical Govt.); one to continue the additional revenue two years longer, out of which to pay 200*l. per annum* to Lt. Gov. Nanfan and 75*l. per annum* to Judge Atwood, and in case they should be superceded, then each to receive 140*l.*, and 50*l. per annum* to Mr. Champanti to be their Agent in England; two other Acts to tie up the hands of the succeeding Governor and to make him their slave.

On the primo May were the original Addresses, for wch. Col. Bayard and Capt. Hutchins were condemned, delivered on board the *Jersey* to my Lord Cornbury by several merchants and others that were in exile. My Lord published his Commission, during wch. time and afterwards our Assembly continued sitting, but are since dissolved by proclamation.

As soon as the Governor had passed the seven Acts, the Secretary was sent for to affix the seal of the Province to them (a thing never done before, and only when the Acts are engrossed, in order to be transmitted to England), the Secretary not coming immediately was confined, and would have bin suspended, had not my Lord arrived, as also the Attorney General. *Endorsed*, Recd. from Mr. Lodwick. Read July 27, 1702. 2½ pp. [C.O. 5, 1047. No. 46; and 5, 1119. pp. 194–200.]

[? 4 May.] **413.** Copy of an Act passed in New Hampshire, Sept. 13, 1701, for raising 550*l.* for defraying the public charges. *Endorsed*, Recd. April —, Read May 4, 1702. 2 pp. [C.O. 5, 862. No. 109.]

**May 4.** **414.** Council of Trade and Plantations to the Earl of Whitehall. Nottingham. H.M. having thought fit to declare war with France and Spain, we think it our duty to lay before H.M., by your Lordship, the absolute necessity that letters be forthwith writ to each of H.M. Plantations in America, giving notice of the said Declaration, and with such Instructions as H.M. shall think fit thereupon, and that the said Letters be despatched by Advice-boats to be sent on purpose. *Signed*, Stamford, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen. 1 p. [C.O. 5, 3. No. 1; and 324, 8. p. 150.]

**May 4.** **415.** Journal of Council of Trade and Plantations. Order of Council, April 21, read, and some notes upon the case of Mr. Clifford taken in order to the consideration of that matter when he shall call.

Letters to the Earl of Nottingham and another to Sir Charles Hedges, to acquaint them that as H.M. Principal Secretaries of State they are Members of this Commission, and to desire their assistance at the Board when their other affairs will permit, signed.

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Letter to the Earl of Nottingham, about advice-boats for the Plantation, signed.

Letter from Mr. Sheaf, New Hampshire, Jan. 1, read. Directions given for taking a copy, and writing to Col. Dudley upon some part thereof, and to return the original to Mr. Usher that he may attend the Lord High Admiral with the proposal therein offered relating to masts.

Copy of the Act of New Hampshire, Sept. 13, 1701, for raising 550*l.* for defraying the public charge, read. Ordered that the Secretary write to Sir Henry Ashurst to enquire whether he have an authentick copy, and if so, to desire him to attend with it as soon as may be.

May 5. Mr. Jeronimy Clifford attending, the Secretary informed him that their Lordships had resolved to send copies of his papers to Sir John Cook, the Queen's Advocate, for his opinion.

Letter to the Lord Cornbury, relating to the masts and timber provided at New York by the late Lord Bellomont, signed.

Letter from Brigadier Selwyn, Feb. 6, read. Directions given for preparing an answer.

Letter from Col. Nicholson, Dec. 2, read, and the papers therein referred to laid before the Board. Representation thereupon ordered recommending three persons for vacancies in the Council of Jamaica as he desires.

Mr. Randolph laid before the Board a proposal made by him to the Earl of Nottingham for transmitting such notification as shall be thought fit to be given to the Plantations of the declaration of war by way of Bermudas, upon which, he said, his Lordship desired the opinion of this Board. A Letter was writt to the Earl of Nottingham upon that matter.

May 6. Enquiry being made of Mr. Ellis what had been done upon the letter writ to the Earl of Manchester, April 25, relating to the Boom for Newfoundland, and to a Commission for the Commodore of the Squadron, and answer being returned that the Boom had been referred to the Lord High Admiral, and that the Commission is dispatched and lies in Mr. Chetwynd's hands, ordered that the Secretary acquaint Mr. Burchet where the Commission lies, and desire to know of him what care is taken about sending the boom. [C.O. 391, 15. pp. 2-8; and 391, 96. Nos. 80-82.]

May 4. 416. Minutes of Council of New Hampshire. The Lt.-Gov. having been credibly informed that the Indians by their late carriage in some of the frontier towns have given just occasion of suspicion that they design mischief against us, ordered that the Captains of Dover, Oyster River, and Exeter forthwith order Scouts to be kept on the Heads of the said frontier-towns, to wit, that Capt. Peter Coffin send two men to scout from Exeter to Pick-pocket Hill and thence to King's Town and so back to Exeter, and two men to Lamperell River to the house of John Smith's, and so back; that Capt. Woodman send two men from Oyster River to Lamperell River to Smith's and so back, and two men from Oyster River to Toll-end Falls to the House of John Hamm's junr.; and that Capt. John Tuttle send two men from

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John Hamm's to Salmon Falls, to the House of Capt. Ichabod Plaisted's, daily until further order.

Ordered that the present military watch in the Town of Portsmouth be continued till further order. [C.O. 5, 789. pp. 81, 82.]

May 5. 417. Council of Trade and Plantations to the Earl of Whitehall. Nottingham. We have been attended by Mr. Randolph, who,

in pursuance of your Lordship's order, has brought us papers relating to a dispatch to be made to Bermudas, and from thence to the Plantations, of H.M. Declaration of war, which we think may be convenient, but we think it more safe and proper that, besides the forementioned conveyance, advice-boats be sent, one to the Government of New England, from whence the pacquets may be dispatched to H.M. Plantations as well on the Continent as to the Islands, and another to the President and Council of Barbados, with duplicates and orders to them that they transmit the same to the Islands, and to any one of the Plantations on the Continent, from whence the Governor may be directed to transmit the pacquets he shall receive to the rest of H.M. Governments on the Continent. The like notification may be given to the Company of Foot, and to H.M. subjects at Newfoundland, by the convoy ordered thither, in case (as we believe) that convoy is not yet sailed. Whether these letters are to be writ by your Lordship or by this Board, is humbly submitted. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 324, 8. pp. 151, 152.]

May 5. 418. Council of Trade and Plantations to Governor Lord Whitehall. Cornbury. Having understood that some masts and timber provided by the late Earl of Bellomont at New York, for the service of the Royal Navy, are yet remaining in that Province, but being uncertain whether the Masts are yet brought down to the Port and in a readiness to be shipt off, and it being necessary that some care be taken to prevent the waste and spoile both of

the one and the other, and that they be employed to the uses for which they shall be found proper, we desire you so soon as possible to give an account of the particulars and of the state of the whole parcel, both masts and timber, to the Commissioners of H.M. Navy, together with your opinion how they may be best sent for England, in order to their directions thereupon. And we further desire you to give us the like information at the same time; as also your opinion in relation to all sorts of Naval Stores as required by your Instructions. *Signed*, Stamford, Rob. Cecill, Ph. Meadows, John Pollexfen, Mat. Prior. [C.O. 5, 1119. pp. 135, 136.]

May 5. 419. William Popple to Sir John Cooke, H.M. Advocate General. Enclosing for his opinion in Civil Law the petitions of Jeronimy Clifford. [See April 21, May 16.] [C.O. 389, 40. p. 130.]

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May 5. **420.** William Popple to John Champante. Enclosing copies of papers relating to the proceedings against Col. Bayard, etc. *List enumerated.* [C.O. 5, 1119. pp. 137, 138.]

May 5. **421.** William Popple to Henry Adderly and Charles Lodwick. Whitehall. *With similar enclosures.* [C.O. 5, 1119. pp. 139, 140.]

May 5. **422.** Copy of the Report of a Committee of the House of Commons, upon Mr. Hodges' Petition relating to the course of Justice in Barbados. *The materials for the enquiry have been given in Cal. 1700, 1701.* Evidence was given before the Committee to show that delay in holding courts was due to the sickness of the Governor, etc. It was resolved that Mr. Hodges had not made good his petition or any of the particulars of male administration against Lord Grey or the Commissioners of Trade and Plantations, and it was dismissed as "vexatious and scandalous." *Signed,* Paul Jodrell, Cl. Dom. *Endorsed,* Reed. Read June 12, 1702.  $27\frac{1}{2}$  pp. *Enclosed,*

**422. i.** List of Papers referred to in above Report.  $1\frac{1}{2}$  pp. [C.O. 28, 6. Nos. 55, 55.i.; and 29, 8. pp. 62-102.]

May 5. **423.** William Popple to Mrs. Atwood. I enclose the copy of a Memorial laid before the Lords Commissioners for Trade and Plantations by Mr. Adderly and Mr. Lodwick, in which Mr. Atwood being particularly named, I judge it may be useful to you. The remaining papers relating to the proceedings against Col. Bayard, etc., I have sent to Mr. Champante, who will communicate them to you, and with whom you may please to confer, etc. [C.O. 5, 1119. p. 139.]

May 5. **424.** Minutes of Council of Barbados. Upon information given by Mr. Larkin, orders were given that Charles Buckworth, Judge of the Vice-Admiralty Court, should issue out his warrant for apprehending Church convicted with Kid and said to have escaped from Newgate. Mr. Buckworth reported that the prisoner denied his name to be Church, but acknowledged himself to be the person intended. His name was Nicholas Churchell and he pleaded the King's Pardon, but having nothing to show for the same, he was committed to gaol.

Gunners' salaries paid.

Geo. McKenzie, merchant, was paid for 9 white servants who died after the Treasurer had refused to accept them.

40*l.* paid to Thomas Bradley for work done on the fortifications in St. James' precincts.

Petition of Arthur Slingsby and George McKenzie, Attorneys to John Nanfan of New York, and Elizabeth his wife, and Dorothy Chamberlen, Henry Applewaite and Arthur Slingsby, attorneys to Middleton Chamberlen, as also the said Dorothy, wife of the said Middleton, praying for an Appeal against the administration of the estate of William Chester granted to John Eginton, was granted, upon their giving the usual security. [C.O. 31, 6. pp. 212-214.]

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May 6.

**425.** William Popple to Josiah Burchett. The Commission of the Commodore of the Newfoundland Squadron to command at land during his stay in those parts now lies ready. The Council of Trade and Plantations having also understood that the obstruction, which has been about sending a boom to Newfoundland, was referred to H.E. [*the Lord High Admiral*]; and the dispatch of that service appearing to them a matter of great importance, they desire you to let them know what has been done therein. [C.O. 195, 3. p. 97.]

May 6.  
Admiralty  
Office.

**426.** Mr. Burchett to Mr. Popple. The Lord High Admiral will give orders to the Commodore of the convoy to cause assistance not only in cutting the Boom for the Harbour of St. John's in those parts, but fixing it by the carpenters of H.M. ships that shall go under his command. I will take care for the delivery of the Commission. *Signed*, J. Burchett. *Endorsed*, Recd. Read May 7, 1702. *Addressed*. 1 p. [C.O. 194, 2. No. 75; and 195, 3. p. 98.]

May 6.

**427.** Minutes of Council of the Massachusetts Bay. The limits betwixt Sherborne and Framingham depending before the Assembly, ordered that the Assessors, etc., forbear to assess, collect or enforce payment to any Province or Town-rates from any of the persons concerning whom it is disputable to which of the Towns they belong.

Warrant signed for the Treasurer to supply Capt. Southack with 200*l.*, out of the stock allowed by the Assembly, in provisions and goods suitable for the Eastern Indians; to be transported to them in the *Province* galley.

John Viall paid 17*l.* 17*s.* 6*d.* for 65 barrels of beer supplied by him for the use of the garrison of the Castle, Dec. 9, 1701–April 10, 1702.

Accounts, of billets for the soldiers lately detached for H.M. service at the Castle, committed.

Licence granted to Ichabod Williston and John More to build a timber dwelling-house upon their land butting on the lane or alley leading from the back street down to the sign of the Salutation.

Licence granted to Ezekiel Needham and Solomon Townsend to erect a timber building on land butting on the same lane.

Licence granted to William Hill to erect a timber building on his land adjoining his house in Wing's Lane in Boston.

Licence granted to John Stevens to erect a timber building on his land adjoining the North West side of the house of Robert Grammon, deed., and in addition thereto, being situate between the house in which Thomas Kellom, glazier, dwells, and that in which Widow Clark dwells, nigh unto Captain David Robertson's house, at the North End of Boston.

Licence granted to Nathaniel Loring to erect a timber building on his land at the North end of Boston, lying between the House and land of Joseph Arnold, and that wherein Deborah Keen late dwelt, over against the house of John Green, the end of said house to front to the street. [C.O. 5, 788. pp. 137–139.]

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**428.** Minutes of Council of Virginia. Order given for granting leave to ships to sail for any of the Plantations, notwithstanding the former embargo (April 25).

Letter from Mr. Burchett, Jan. 29, 170 $\frac{1}{2}$ , read and the following paragraph sent to the Collectors and Naval officers, to intimate the same to commanders of ships:—"The gentlemen trading to Virginia have made applications to my Lord Admiral the Earl of Pembroke, for a convoy to secure home their effects, and four fourth-rates and fifth-rates for that purpose, which will be going from hence the beginning of March, so that I doubt not but you will take the necessary care to cause all possible dispatch to be made in the getting the Trade in readiness to come home against the convoy arrive." [C.O. 5, 1409. p. 214.]

May 7.

**429.** Council of Trade and Plantations to the Queen. Having understood from Mr. Lewis Burwell appointed by his late Majesty a Member of the Council of your Majesty's Colony of Virginia, that by reason of his age and infirmities he is not capable to perform the duties of that place and that he does therefore desire to be excused from undertaking it; and having likewise understood from Gov. Nicholson that by reason of the small number of Counsellors residing there, the great distance of the habitation of diverse of them from the seat of Government, and the difficulties that many times happen in passing the bays or rivers of that country, he finds it difficult to get a quorum of Counsellors to meet upon any certain appointment; for which reason he desires that the number of twelve (at least) may be always kept up full, and in order thereunto has lately sent us a list of the names of persons whom he esteems fitly qualified to supply vacancies in Council, according to his late Majesty's instructions to him in that behalf; we humbly propose to your Majesty that the said Burwell be discharged (as he desires) from the place of Counsellor in Virginia, and that Philip Ludwell, William Bassett, and Henry Duke, Esqrs., whom the Governour recommends, and against whom we have no objection, may be constituted by your Majesty Members of the Council of Virginia to supply the present vacancies. *Signed*, Stamford, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 5, 1360. pp. 172-174; and 5, 1335. pp. 5, 6.]

May 7.

**430.** Sir Henry Ashhurst to Mr. Popple. In answer to your letter of 4th instant, I never saw the copy of an Act passed Sept. 13 last by the Government of New Hampshire relating to the giving of 550*l.* for to defray the publick charge. But if the Council of Trade and Plantations desire further satisfaction relating to that Province, I will attend their commands upon their first notice. *Signed*, Hen. Ashhurst. *Endorsed*, Recd. 8th, Read May 13, 1702.  $\frac{1}{2}$  p. [C.O. 5, 862. No. 111.]

**May 7.** **431.** Circular Letter from the Earl of Nottingham to all Nottingham. the Governors, etc., in America. The Queen having been pleased to constitute me one of her Principal Secretaries of State, it is

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necessary that I should inform you of it, that for the future you may direct to me such letters as relate to H.M. service, and I desire you from time to time to acquaint me with such things as occur in your parts. And I am commanded to acquaint you that H.M. has declared warr against France and Spain, as you will see by the enclosed Declaration, and to signify H.M. pleasure to you that you cause it to be proclaimed in the places under your Government, that Her subjects having this notice may take care to prevent any mischiefs, which otherwise they might suffer from the enemy, and do their duty in their several stations, to annoy the subjects of France and Spain. I must also acquaint you that the Emperor and the States General have also declared Warre against France and Spain *Endorsed*, Recd. Read May 8, 1702. 1 p. [C.O. 323, 3. No. 127; and 324, 8. p. 153.]

May 7. 432. Copy of second paragraph of above, probably made at a late date.  $\frac{1}{2}$  p. [C.O. 5, 3. No. 3.]

May 7. 433. Copy of above letter from the Earl of Nottingham to the Lords Proprietors of Carolina and the Bahamas. [C.O. 5, 289. p. 91.]

May 7. 434. Memorandum of above letter to the Lords Proprietors of the Bahamas.  $\frac{1}{4}$  p. [C.O. 5, 1261. No. 88.]

May 7. 435. Memorandum of above letter to the Lords Proprietors of Carolina.  $\frac{1}{4}$  p. [C.O. 5, 1261. No. 89.]

May 7. 436. Memorandum of letter above from the Earl of Nottingham to the President and Council of Barbadoes. [C.O. 28, 6. No. 56.]

May 7. 437. Memorandum of above letter from the Earl of Nottingham to Capt. Bennett, Lt.-Gov. of Bermuda.  $\frac{1}{4}$  p. [C.O. 37, 3. No. 70.]

May 7. 438. Memorandum of similar letter to the Governor and Company of Connecticut.  $\frac{1}{4}$  p. [C.O. 5, 1261. No. 92.]

May 7. 439. Memorandum of above letter from the Earl of Nottingham to Brigadier Selwyn, Governor of Jamaica.  $\frac{1}{4}$  p. [C.O. 137, 5. No. 66.]

May 7. 440. Memorandum of above letter from the Earl of Nottingham to Col. Codrington, Governor of the Leeward Islands.  $\frac{1}{4}$  p. [C.O. 152, 4. No. 89.]

May 7. 441. Memorandum of above letter from the Earl of Nottingham to Col. Blakiston, Governor of Maryland.  $\frac{1}{4}$  p. [C.O. 5, 715. No. 51.]

May 7. 442. Memorandum of above letter from the Earl of Nottingham to Col. Dudley.  $\frac{1}{4}$  p. [C.O. 5, 862. No. 110.]

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May 7. **443.** Memorandum of above letter from the Earl of Nottingham to the Lord Cornbury, Governor of New York. *Endorsed, Recd.* Read May 8, 1702.  $\frac{1}{4}$  p. [C.O. 5, 1047. No. 47; and 5, 1261. No. 91.]

May 7. **444.** Copy of similar letter from the Earl of Nottingham to Col. Nicholson, Governor of Virginia, for proclaiming war against France and Spain. 1 p. [C.O. 5, 1312. No. 32. ; and 5, 3. No. 2; and (Memorandum only,  $\frac{1}{4}$  p.) 5, 1312. No. 32.]

May 7. **445.** Memorandum of similar letter to Capt Swanton, Commodore of the Newfoundland Convoy.  $\frac{1}{4}$  p. [C.O. 194, 2. No. 76.]

May 7. **446.** Memorandum of similar letter to Governor Penn.  $\frac{1}{4}$  p. [C.O. 5, 1261. No. 90.]

May 7. **447.** Memorandum of similar letter to the Governor and Company of Rhode Island.  $\frac{1}{4}$  p. [C.O. 5, 1261. No 93.]

May 8. **448.** William Popple to Mr. Burchett. Enclosing copies of Whitehall. above letter, to be forwarded. [C.O. 324, 8. pp. 154-157.]

May 7. **449.** Journal of Council of Trade and Plantations. Letter from Mr. Burchet read.  
Representation for constituting three new Members in H.M. Council of Virginia signed.  
Letter to Governor Selwyn agreed upon.  
Letter to the Lord Godolphin to acquaint him that by his place of Lord High Treasurer he is of this Board, and to desire his assistance when his other affairs will permit, signed.

May 8. Letters from the Earl of Nottingham, notifying the war to the Plantations, laid before the Board. Mr. Armstrong, who brought them, signified that they are to be sent to the Lord High Admiral for conveyance by advice-boats. Letter written to the Lords Proprietors of Carolina on the subject. The letter for the Bermudas was sent to Mr. Randolph to be transmitted by the first ship sailing direct. The remaining letters were sent to Mr. Burchet.  
Letter to Brigadier Selwyn signed. [C.O. 391, 15. pp. 9-14; and 391, 96. Nos. 83, 84.]

May 8. **450.** Council of Trade and Plantations to the Lords Proprietors of Carolina and the Bahamas. We send you here inclosed two letters from the Rt. Honble. Earle of Nottingham, Principal Secretary of State, relating to the notification of war with France and Spain, that you may observe the directions therein given you, with relation to her Majesty's province of Carolina and her Colony of the Bahama Islands. And we further acquaint you that there are Advice-Boats appointed by his Excellency the Lord High Admiral for carrying these notifications to all her Majesty's Plantations, which Advice-Boats are to sail

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immediately. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 5, 1289. pp. 456, 457; and 5, 289. p. 91.]

May 8.  
Whitehall.

**451.** Council of Trade and Plantations to Governor Selwyn. Enclosing letters from the Earl of Nottingham, as above. You are to take care to observe the orders therein directed to yourself and to dispatch the other packets to the several Plantations with all speed. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 138, 10. p. 329.]

May 8.

**452.** Similar letter, *mutatis mutandis*, from the Council of Trade and Plantations to the President and Council of Barbados. [C.O. 29, 8. pp. 25, 26.]

May 8.

**453.** Lords Proprietors of the Bahamas to the [? Government of Bahamas]. Sirs, We have just received H.M. commands for declaring war against France and Spain. We do therefore order and direct you to declare war accordingly, and that you do your duties in your several stations to annoy the subjects of France and Spain, and to preserve and defend our Colony. Wherein we can be serviceable to you, pray send word, and all necessary care shall be taken for your security. *Signed*, J. Granville, Palatine, M. Ashley, Craven, Barkeley, John Colleton, J. Granville for Lord Carteret. *The like sent to Carolina.* [C.O. 5, 289. p. 91.]

May 8.  
Whitehall.

**454.** Council of Trade and Plantations to Governor Selwyn. We have received yours of Feb. 6th. We are very glad of your safety, and hope your next will give us an account of the arrival of the rest, so that you may be in a condition to defend the Island and offend an enemy, as there shall be an occasion, which may probably happen in a short time, H.M. having declared war against France and Spain. We are sorry to observe the great confusion you say the Island was in with relation to Civil Justice, by reason they had been so long under Martial Law, yet doubt not but you will have taken speedy care to make the people easy in the first respect without neglecting anything necessary for their security in the other. We are glad that you have resolved to call a New Assembly, and hope the ill humour that was grown up in the last will by your prudence and care be dispersed; so that you will be able to dispose the inhabitants (out of a sense of his late Majesty's extraordinary favour towards them in the provision made for their defence) to a more ready compliance with what you may find necessary for H.M. service, of whose gracious protection and care you may assure them. The settling of a public Revenue, as was done by an Act in the Duke of Albemarle's time, is a matter in which you must use your utmost endeavours to manage and perswade them to a compliance, for the thing is necessary, and in case the Assembly continue refractory, that Act will be confirmed according as has already been signified, Feb. 4, 1700.

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At your departure from hence, you had an additional Instruction to move the Assembly to reimburse the Board of Ordnance for the stores then sent, and another Instruction of the same kind, Sept. 30, 1701, sent after you: since which the Principal Officers of the Ordnance have again (Dec. 27, 1701) desired that the like care be taken in relation to the stores last sent, and to the pay of Officers and Artificers there.

It has happened upon occasion of some Acts of Assembly transmitted hither relating to the interest of private persons, that we have wanted such informations as were necessary in the cases, and we therefore desire you on all occasions relating to private Acts to take care that some reasonable proofs be sent hither of the chief suggestions upon which any such Act is grounded. *Signed, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 138, 10. pp. 330-332.]*

May 8.  
Annapolis.

**455.** Minutes of Council of Maryland. H.E. being desirous to take all possible care and [? of] the shipping now in the Province upon this dangerous conjuncture of an impending war, lays before the Board a letter from Mr. Micajah Perry, an eminent Merchant in London, Jan. 24, 1701(2), and others, which give account of a good convoy intended to fetch home the Virginia and Maryland Fleet, which convoy was to sail March 1st; but in regard a vessel arrived last week, which sailed from England March 10th, and was not assured when the convoy might be expected, after considering H.E.'s Instructions, the Board advised that no embargo be laid, until H.E. receive express directions from England.

Petition of John Jones, of Baltimore County, carpenter, read. Having been convicted of manslaughter at the last Provincial Court, and suffered the corporal punishment of being burnt in the hand, and having also forfeited all his goods and chattels to the King, so that he hath nothing to sustain his wife and six small children, prays for execution upon his estate to be suspended. Granted, upon good security being given that the said estate shall be forthcoming when required.

It having been represented that one David Hughes hath been convicted for breaking a Store, and stealing some small quantity of rum and sugar, in which fact his Master was found to have been concerned with him, it being considered that David Hughes was a servant under the terror of his Master, and being very young, upon his great bewayling his folly, ordered that H.M. gracious pardon be extended him.

H.E. acquainted the Board that Lt.-Col. Thomas Smithson, the present Chief Justice of the Provincial Court, had refused to serve in that station any longer then this present Court. Resolved, in regard that Col. Smithson is so well qualified and gives such great satisfaction to the country in his station, that it be recommended to the next Assembly to consider of some encouragement to be given him for his continuance in that station.

Major William Dent, Attorney General, finding his health impaired and living remote, desired to be discharged. The Council recommended Wm. Bladen for the post.

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9l. 0s. 4d. paid to Major Dent for money paid by him for cleansing and fixing the public arms in Charles County, 1701. [C.O. 5, 744. pp. 23-26.]

May 8.

**456.** Minutes of Council of the Massachusetts Bay. Sailing orders to Capt. Southack, H.M.S. *Province* galley, on a voyage to the Eastward, with supplies for trade with the Indians, were drawn up and signed. His account for repairs was examined and paid. [C.O. 5, 788. pp. 139, 140.]

May 10.  
Antegoa.

**457.** Governor Codrington to the Council of Trade and Plantations. I had been before this at Nevis and St. Kitts, if the surprising news had not reached us—a los not to be exprest but thought of. I shall take care to keep things in order till yor. Lordps. send me a furlow for six months or for ever, wch. I beg of you. These Governments must be in good ernest put upon another foot before an honest man can serve in one of them, or answer the ends for wch. he is sent hither. The enclosed will let your Lordspes. know poor Mr. Elrington is freed from a world and a government equally troublesome. However, I shall vindicate the gentleman's reputation to your Lordspes. as soon as I can be sensible of any concern but the public one. 'Tis possible Mr. Carpenter will shortly send you a complaint against me too, for he has been laying in a stock of provocations a good while to oblige me to use him ill—but I promise your Lordships if he treats me as he did Col. Elrington, I shall not break his head with a cause but a brace of balls, for it cannot yet get into my understanding that I am to be worse treated as the King's Governor than as a private gentleman. I suppose Mr. Carpenter never writ that he struck the Governor and sent him a challenge in his own gov[ern]ment, not with a design to fight him, I believe indeed, but to raise a tumult and be carryed of in triumph with his Jacobite friends. This gentleman has not yet had the manners to come to me, that he might be sworn and give the security the Law of this Iland requires, so that at present we have no Secretary, and I must, with all humility, lay before your Lordships that if Mr. Carpenter be Secretary, I cannot be General. My employ is so troublous as well as chargeable to me that 'tis not worth my while to give yr. Lordspes. a reason for wt. I say, nor shall I put myself to any pains in proving and defending, but I shall be able to give the world a very good account of myself in this and every other particular. My good intentions I find are ill seconded as well as very ill rewarded, and I shall be easier in my hermitage. I had long desired Col. Elrington to accept of the Government of St. Kits, where his estate lay, but he told me Mr. Mead and Mr. Cole had so poisoned it with their venomous factions, that he would have nothing to do with it, and had rather lose his estate there than his reputation. There are indeed some very foolish people, and they have been debaucht by those who have as little honesty as they have sense. Upon the least alarm they are out of their wits, and immediately sent me up an Address to come down to them, and then nothing but

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my courage, conduct, wisdom and a thousand other qualities which they can see another time can preserve them. But as soon as the danger is past, they are all faction and folly agen, and will do nothing that is reasonable for the good of their Iland. But the two gentlemen, who came up to me as Deputys from thence last night, both as honest, discreet men assure me they are now generally in good dispositions, are fully satisfied Mr. Cole is a factious, malicious villain, and will be influenced by him no more. I will goe down thither and try what good is to be done with them, and if I doe not succeed now, I shall despair for ever. I shall thence also send yr. Lordspes. some papers in relation to Mr. Mead's and Mr. Freeman's causes; in the meantime I have some from hence wch. Mr. Cary will lay before yr. Lordspes. *Signed*, Chr. Codrington. *Endorsed*, Recd. 9th, Read July 10, 1702. *Holograph*. 3 pp. *Enclosed*,

457. i. Abstract of preceding. 1 $\frac{1}{4}$  pp.

457. ii. An account of Col. Elrington's Death. This 30th day of April, 1702, about 10 o'clock at night, I came from on board H M.S. *Canterbury* in company with Col. Elrington, Lt. Bellisses and Lt. Stevens, and as I was near Mrs. Richardson Maypoule's, heard the Widow Stevens call out "He is going to break open my house." At which words Col. Elrington stept before any of ye Company to a gentleman that stood under said Stevens her window uttering these words "G—d d—n you for a b—h." (I understood said gentleman afterwards to bear the title of Capt. Chambers.) Col. Elrington took Chambers by the shoulders, saying "Who are you, what are you, and what makes you so rude?" Chambers answering "God d—n your blood, who are you?" Col. Elrington gave him a small blow with the flat of his right hand on his left cheek. Chambers was then going to draw his sword, and swore as before. Then Lt. Bellisses takes him by the shoulders, saying "It's the Governor." He replied "G—d d—n his blood, he did not care." Col. Elrington asked him who he was and where he was bound. He said he was a King's Captain. Col. Elrington replied "I am sorry to hear it and see you so rude" and took him by the two arms. Still Chambers swore as before. Then the Governor was striking at him with his little cane. Chambers stept back and drew his sword and passed at the Governor, and I believe gave him a prick in the left side, by the wound I afterwards saw, but at the same time and when the Governor drew his sword, but I thought as before that neither had toucht one the other till parted, and I saw the Governor's shirt bloody. *Signed*, Tho. Minor. *Note in Codrington's hand*. He dy'd that night. *Endorsed as letter*. 1 p.

457. iii. Copy of report of the inquest held upon Col. Elrington. Nevis, May 1, 1702. Names of Jurors — Saml. Clarke, Wm. Bowrey, Richd. Bowrey, Henry Rawlins,

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John Hilton, Jno. Thornton, Michl. Roe, John Edgerley, Jno. Law, Sam. Browne, James Milliken, Edwd. James, James Abbott, Matthew Mills, John Everendon, Timothy Hare, Wm. Kitt, jr., Wm. Weekes. *Endorsed*, Recd. 9th. Read July 13, 1702. 1 p. *On reverse*,

457. iii. (a). Copy of summons of above Inquest by Jno. Smargin, Coroner.  $\frac{1}{2}$  p.

457. iv. Council of St. Christopher's to Governor Codrington.

We understanding that the most unhappy news of the death of the best of Kings, which overwhelms us with unexpressible grief, has put a stop to your Excellency's intentions of coming down here so soon as your last letter intimated, and our President Col. McArthur being now under a great weakness of body, and thereby obliged to enter into a course of Physick, which may prevent him from giving necessary orders and countenance by his presence requisite in case the French should attack us, which we have reason suddenly to expect. The want of such necessary orders then may be of fatal consequence to us, makes us presume humbly to address ourselves to your Excellency that you would be pleased to appoint some other person to act in that post till we can have the happiness and honour of your Excellency's presence very much wisht for to inspire our men with fresh vigour, etc., as also to strike a greater terror into the French. Upon the confirmation of the Act of Nevis for raising the Companies there for the service of this Island, they seem only to wait your commands for their coming down. We therefore humbly hope your Excellency in your great prudence and timely orders will put them in a readyness of answering by their service the end for which they are establisht, and that H.M. soldiers of Brigadier Tiffin's Regiment, lately arrived to these Islands under your Excellency's government for the defence thereof, may be sent to remaine upon this Island for two months' time, during whose aboad the Publique of this Island are contented to give them and their officers free quarters. We also being assured that M. de Gennes has sent for the French forces from Saint Martin's and Bartholomew's to reinforce him, humbly beg your Excellency would be pleased to send your commands to the people of Anguilla and Spanish Town to come up here, assuring your Excellency wee will upon such order forthwith send sloops to bring them up, not doubting but the inhabitants of the Windward side of this Island will be very ready and glad to entertain them, by reason they were so very desirous of having some of Brigadier Tiffin's Regiment quarter'd upon them, and seem dissatisfied that they have none. And whereas there is a present necessity for a publique fund to provide ourselves with several necessaries that are

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extreamly wanted, and a fixt number of slaves to put upon publique works for our better defence, we humbly beg your Excellency would give us leave to call together the new elected Assembly, and swear them, that they may be impower'd to consult proper methods and draw up Bills for that end, and likewise to renew the Billets, the time of the former being expired. *Signed*, Mich. Lambert, Henry Burrell, Sam. Crookes, John Garnett, Stephen Payne. *Endorsed*, Recd. July 9, 1702. 1 large p. [C.O. 152, 4. Nos. 96, 96.i.-iv.; and (without enclosures) 153, 7. pp. 487-491.]

**May 11.** **458.** George Larkin to the Council of Trade and Plantations. Antigua. I gave your Lordships an account from Annapolis in Maryland about December last, that I staid some days at Philadelphia in hopes of meeting with one Churchill and one How, two persons that were convicted of pyracy at an Admiralty Sessions at the Old Baily with Kidd; they gave out that they had given the Keeper of Newgate three hundred guineas for leave to come into that part of the world to take up some money which they had buried in the woods before they were apprehended, and I was credibly informed that the former had taken up eight hundred and the other fifteen hundred pounds. I accidentally met with Churchill at Barbadoes, and have caused him to be taken up, and seized about a hundred pounds of his effects which are deposited in the hands of the Judge of the Admiralty of that place, and to prevent any charge that may happen to the Crown or the island until her Majesty shall think fit to declare her pleasure concerning him, I have acquainted the Councell of Barbadoes, that the most proper place for his confinement may be aboard the man-of-warr attending upon that Government, where he may do some service for his provisions. I hope, my Lords, your Lordships will pardon the freedome I take in telling you that I don't at all admire that your Lordships and other Ministers are dayly harassed with complaints touching the irregular administration of affairs in the Plantations, since Patent offices are so frequently disposed of to persons wholly unacquainted with business, and officiated by Deputys' Deputys' Deputys, some of which are scarce capable of writing six words of sense; but that which most of all surprizes me is a complaint against the Governour of the Leeward Islands to the House of Commons, who truly (if I may have leave to speak my thoughts) is the only Governour that I have met withall since my coming into America that can be called a good Governour. All his actions seem to tend wholly to the service of the Crown, and good of the subject, with all the honour and justice immaginable, and that without any advantage to himself. Every body here assures me that he has taken abundance of pains with the Militia of this Island, and made them very fit for service upon any emergency; he is revising their laws, and takes all imaginable care to prevent elandestine and illegall trade. If the Governour was not a man of learning and parts, business would be carried on here at a

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very lame rate, there being at present no Attorney or Sollicitor General, and but one gentleman that pretends to understand the law in all the Islands, and the Governour and Councill have under Mr. Carpenter, the Pattentee, a boy of about fourteen years of age to attend them as Secretary of the Island and Clerk of the Councill, and I do assure your Lordships, whilst I was present with them, there was occasion for drawing a small Instrument in writing and when it was done, it was such nonsense and stuff that the Governour and Councill were ashamed to sign it, and I was forced to draw it myself. The reason I understand the Secretary gives for his not attending upon the Governour and Councill here, is his being a Commissioner of the Customes in one of the other Islands, however it's not my business to concern myself how far he may be dispensed with upon that occasion. I have settled the forms of proceedings for tryall of pyrates here with the Commrs. agreeable to the Act of Parliament, and wait now for a passage to Jamaica. I have undergone, my Lords, abundance of fatigues, hazards and hardships upon the account of this service, which I hope your Lordships will be pleased to take into your consideration, and when an opportunity offers, have some regard to, my lords, your Lordships' most obedient and most humble servant. *Signed*, Geo. Larkin. *Endorsed*, Recd. 9th, Read July 22, 1702.  $2\frac{1}{3}$  pp. *Holograph*. *Annexed*, 458. i. Abstract of preceding. 1 p. [C.O. 152, 4. Nos. 97, 97.i.; and (without abstract) 153, 7. pp. 500-503.]

May 12. 459. J. Thurston to Mr. Popple. The late Lords Commissioners of the Treasury not having directed the money for the subsistence, etc. of the Company at Newfoundland, I pray you will remind Mr. Lowndes of the necessity of giving dispatch to that matter. *Signed*, J. Thurston. *Subscribed*,

459. i. William Popple to Wm. Lowndes. Desiring him to lay the matter before the Lord High Treasurer. *Signed*, W. P. *The whole* 1 p. [C.O. 194, 2. Nos. 77, 77.i.; and 195, 3. pp. 99, 100.]

May 12. 460. Edward Randolph to the Council of Trade and Plantations. I received your commands to send forward a letter from the Earl of Nottingham to Lt.-Gov. Bennett. Col. Thos. Cary, owner of the *Joseph* of Carolina, has proposed in case he might have a protection for James Norman, the Master, a Bermudas man, and for Christopher Hall, the mate, and seven sailors more, he will take upon him H.M. letters. *Signed*, Edward Randolph. 1 p. [C.O. 37, 3. No. 71; and 38, 5. pp. 212, 213.]

May 12. 461. William Popple to Josias Burchet. The Lords Commissioners for Trade and Plantations enclose [above], and desire you to acquaint the Lord High Admiral that they think it may be for H.M. service that (besides the packets for Bermudas which I sent you the 8th instant) this also be sent by vessel bound directly for Bermudas as proposed. 1 p. [C.O. 37, 3. No. 72; and 38, 5. p. 214.]

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**462.** Col. Quary to the Council of Trade and Plantations.

*Reply to Mr. Penn's Answers, April 28, 29.* Article ye 1st. The charge being matters of fact and too tedious to transcribe all the proofs of them, I have only to desire your Lordships that we may with all expedition proceed to it, being ready to make appear to your Lordships, that I have often complained of it, and admire at the shortness of Mr. Penn's memory that he can remember but one vessell. I shall minde him of severall others. (2nd) The Acts made in Pennsylvania to prevent illegal trade are so farr from being put in execution that they are not allowed to be Acts; and as to the English Acts of Parliament, it shall fully appear to your Lordships that no care hath been taken of them by that Government: and all Mr. Penn's plausible story on this head hath nothing in it but to amuse your Lordships. (3rd) This also is matter of fact ready to be proved, and I shall therefore only remark to your Lordships that Mr. Penn very well knows that all the trade of that province lieth within the district of those two Counties, where he had granted the Commissions, and that I never was absent but that I left sufficient powers to have supprest all disorders. He is pleased to say the Commissions he gave were drawn by one that my Lord Bellomont had employed, but doth not add, that so soon as my Lord was thoroughly apprized of his character, he turned him out, and that after this, though the same information was given Mr. Penn, yet he employed him. That Mr. Penn did solemnly promise to joyn with me in representing some things home relating to the powers of my Commission, and that till things were determined, and we should receive directions from the Government, I should uninterruptedly execute all the Powers of my Commission, is true. But that, contrary to this promise, he hath invaded those powers by granting Commissions, etc., is as ready to be proved. (4th) I must in general offer my proofs of the article replied to, and shall take care to distinguish how far Coll. Fletcher attempted the settling of a Militia, what Mr. Penn hath done in that affair, and on what account it is truly necessary for the protection and defence of the country. (5) Besides the general offer of proof, Mr. Penn is pleased to evade the charge and quibble about French Indians, whereas I charge him, that, notwithstanding the nakedness of the country, he hath lately received into his province several nations of foreign Indians and some French Indians, who are lately run away to the French. Mr. Penn is pleased to say that he hath discouraged Frenchmen employed by me from trading with the Indians. In answer to which I do assure your Lordships, that I never employed any Frenchmen to trade with any Indians nor any other person or persons whatsoever. (6th) Mr. Penn in his reply hath in effect owned this Article, and I see no roome for any other answer than to tell you, that proofs are not wanting to clear any thing he may have made doubtfull in his pretended reply. (7th) The like may suffice in reply to the seventh answer. (8th) And as to the next I shall at the same time make it appear to your Lordships, that what Mr. Penn hath said hath no weight in it. I do most humbly desire of your

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Lordships on the behalf of the inhabitants of the three Lower Counties that Mr. Penn may be obliged to make appear what title he hath (if any) to the government of those three Lower Counties or to the rents, he having exercised the former to the highest degree, and hath received or secured the rent for about twenty years. (9th) The charge relating to the three capital crimes suffer'd to go unpunished in Mr. Penn's government, are proved by the hands of several persons of integrity and honour. (10th) The fact of the Hustle Cap is owned, but I am not conscious they were ever punished for it, and desire it may be proved by Mr. Penn. (11th) Mr. Byfeild having petitioned her Majesty and complained of the denial of an appeal to him on which an order was granted, requiring those in Mr. Penn's government to allow of appeals home and so remit the cause, puts that matter out of dispute, if that were the only instance. (12th) The matter of the 12th Article is likewise true; his present Deputy Governour not being qualified according to Law, for which reason the people of the Jerseys refused to submitt to him as Governour. This Mr. Penn very well knew, yet had so little regard to her Majesty's Laws, that in contempt of them he made him Deputy Governour of Pensylvania. Neither can I by any means allow of his pretence of necessity of appointing Coll. Hamilton, in that there was no other person capable of it, there being to my knowledge several persons less lyable to objections and every way as capable of that employment.

*Reply to Mr. Penn's second Answer.*—First. As to what relates to the restoring Anthony Morris to his places in the Government, it is matter of fact and owned by Mr. Penn; but that I had any such discourse with himself or Anthony Morris, as Mr. Penn mentions, I doe absolutely deny, and shall be ready, when your Lordships command, to lay the true state of it before you. (2nd) Mr. Penn is charged that in a late Charter, which he hath granted to the people of Philadelphia, he hath given to the Sheriffs almost all the powers of the Admiralty, to the Capes of the Bay, under the pretence of Water Bayliffs; To all which charge he hath made no reply. (4th) This Article being owned by Mr. Penn and by his officers better, leaves no roome for enlargement, but only shall add this hint; the said William Righton is an old offender, noted for illegal practices, as will be more fully shown, when matters are debated before your Lordships. (5th) As to what concerns his kinsman Mr. Parmiter, I appeal to Mr. Penn, whether I did not acquaint him with it in Pensylvania, whether he did not see a copy of the Indictment against the said Parmiter, and if it be still doubted, I have only to inform your Lordships, that I expect a copy of the Records every day from Bristoll, having sent for them. (7) All the matters in this Article are true and Mr. Penn is no stranger to it, since I acquainted him with it in Pensylvania and am now ready to prove it. (8th) Here Mr. Penn's answer to the Article is branched out into so many particulars and of so little concern to the matter that I cannot speak to it without being very large, so must referr that till the business is debated before your Lordships. And now may it

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please your Lordships, that there may be no delay of the Queen's affairs by my staying in England, I beg leave to have a short day assigned, that I may proceed to all my proofs, which are at all times ready, it being both difficult and tedious to committ them all to writing ; which is, however, humbly submitted to your Lordships' considerations. *Signed*, Robt. Quary. *Endorsed*, Reed. Read May 12, 1702. 3 pp. [C.O. 5, 1261. No. 94 ; and 5,1289. pp. 457-464.]

May 12. **463.** William Popple to William Penn. The Council of Trade and Plantations command me to acquaint you that Coll. Quary having laid before them a reply to your answer to the information of irregular proceedings in Pennsylvania, and desired that a short day may be appointed for a hearing, in order to his making good his charges : their Lordships have appointed this day sevennight (vizt. Tuesday the 19th instant) for the further hearing of his proofs and your answers relating to that whole matter. And they more particularly order me to mind you of your promise to them to make out your title to the three Lower Counties, as well with respect to soile as government, that you may prepare yourself to do it at the same time. [C.O. 5, 1289. pp. 464, 465.]

[May 12.] **464.** Petition and Address of H.M. Protestant subjects in the Plantation of New York to the King. Wee, having too many reiterated informations of our being calumniated and misrepresented to yr. Majesty, with hearts full of greif, loyalty and the highest dutie and regaurd to your Majesty, humbly pray the freedom to acquaint your Majesty that as soon as we knew of your Majesties happy accession to the Crown, we entertained the joyful tidings with hearts of alacrity, blessing almighty god for our great deliverer. And as we cannot still, without dread and horrour, reflect upon the ruins and calamities that were likely to swallow us when your Majesty brought us deliverance, soe wee are influenced with a lively and grateful sense that our Religion and Liberties are in the greatest safety under your auspicious Reign. We do assure your Majesty that the divisions and differences that have happened amongst your subjects in this Provinck were never grounded upon the interest of your Majesty, but the private corrupt designs of some of the pretenders to your Majesty's service, who have laid hold of an opportunity to enrich themselves by the spoils of their neighbours. The oppressions and hardships wee underwent took an end by the arrival of your Majesty's Governour, and during the whole course of the late war, with your Majesty's gracious assistance, wee cheerfully sustained its burthen, some of us in our persons, and all of us by our purses, and by the fortunate influence of your Majesty's Empire conserved this your Colony intire from any conquest of the enemie, being conscious to ourselves of nothing more than an entire affection and faithful adherence to your Majesty's Royal person and interest. It was the greater surprise to find ourselves, by the late Earl of Bellomont, without reason or coulour turned out of all places in Government and those generally filled with

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persons least qualified for their posts, and to add to our misfortune and evidence the injuries we have suffered, wee find ourselves to be branded most unjustly with characters of disaffection and infamy, altho' wee, with all dutiful submission, underwent the first, yet the latter, as being an offence to truth and touching us in our good names, and the interest all faithful subjects ought to have in a just Prince, we cannot but be extreamly sensible off. Your Majesty's subjects could not at first foresee the ends designed. But the measures taken were of that nature as to give us just apprehensions of evill, great partiality in appointment of officers, manifest corruption and injustice in all elections, and that so open and barefaced as the greater number of the people could not but see the destructive projections no less than the injurious means used to attain them, being nothing else but abusing your Majesty's glorious name, and under pretext of your Majesty's service by the Legislative power to divest many of your Majesty's good subjects of their just rights and possessions, and to share and divide the same amongst themselves and their confederates, with many other sinister, indirect and unjust proceedings easily to be proved, but to[o] many to enumerate at present to your Majesty, thereby greatly offending your Majesty's good subjects, and tending to render your Majesty's Government in those parts scandalous, vile and cheap in the eyes of your people, altho' those methods had long since been determined if they had not lately met with new supports. We humbly implore your Majesty's justice in relieving us from those evils, and take this opportunity of assuring your Majesty that amongst the vast number of mankind who have willingly subjected themselves and taken shelter under your Majesty's dominion, none are more heartily devoted to pray for your Majesty's long life and prosperous reign. *No signature.* *Endorsed,* Reed. from Mr. Adderly and Mr. Lodwick. Reed. Read May 12, 1702. *Copy.*  $1\frac{3}{4}$  pp. [C.O. 5, 1047. No. 50.]

[May 12.] **465.** Petition of the Freeholders, Planters and other subjects of the Kingdom of England in the Colony and Plantation of New York in America to the Honble. the Knights, Cittyzens and Burgesses in Parliament. Your petitioners are Protestants, the most of us English men, and the rest tho' of foreign birth, by the indulgence and justice of the English Government intituled to the privileges and liberties of the English people, and therefore think it not less our duty than our right to lay our unhappy circumstances before this honourable House. At the time of the Revolution we were not less sensible of the danger of Popery and arbitrary power then our neighbours or any other of H.M. subjects, but could not think it consisting with our duty or common prudence without orders from England to disquiet the country wee live in, the number of papists, or those affected to Popery or arbitrary government, being so inconsiderable that there was not one in a hundred in all the Province, nor one man who attempted or durst mutter one word against H.M. or the Protestant interest. Notwithstanding which, several persons

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then unhappy in their fortunes, and for other sinister ends, thought fit to disturb the peace of the otherwise united people, and the better to colour those their proceedings, found it their interest to callumiat and blacken those concerned with them with the odious names of Jacobites, Papists and popishly affected. The people being universally inclined to the Revolution, they met with no manner of opposition, and for that reason easily got the Fort and powers of Government into their possession. The opportunity of oppressing and insulting over all those their humour or private animosity or avarice spurred them to imprisoning some without bayle or mainprize in close, unwholesome and nasty gaoles, tho' great security to the value of 20,000*l.* offered for their liberty, plundering many ; others, for the safety of their lives, were forced to fly their country, tho' Protestants, and without so much as the least colour of being disaffected to the Revolution.

We laboured under those difficulties near two years after H.M. accession, when being taken under H.M. immediate Government, those oppressions ceased, but the wrongs to this day wholly unrelieved. During the whole course of the war with great forwardness and alacrity we sustained the losses, charges and burthens occasioned by it, and (tho' not without the loss of both our blood and sustenance) preserved the Colony entire to the English dominion. During that war many of us were entrusted with the most considerable posts and offices in the Government, and some of us often disbursed and advanced our money when the same fell short of the funds, or the taxes were behind in leavy, to answer the exigencies of Government. Notwithstanding this, the late Earl of Bellomont being arrived, new measures were taken and fresh projects sett on foot. All, or at least most who then served the Crown were without cause expunged the Government to make roome for others of the meanest condition, least quallified, most unfitt and unexperienced and generally disaffected to the English Nation and Government, and the Country sett into new flames, when the former had been almost forgotten and extinguished. The Goverour having by our Constitution a power of appointing Sherrifs throughout the Province, he appointed such as generally were insolvent and had no dependance but upon his will and pleasure, and had directions to return such persons for Members of Assembly as were wholly devoted to his ends and purposes, by which means most of the Members returned being of the same qualifications, it was in vain to insist on any unjust return. When the manifest injustice in election was objected to the Sheriffs, they had ever ready in their mouths, "Wee know what wee have to do ; you make your complaints," which either being to the said Earl or to the Members returned by his order had effects agreeable to those we complained to. To get the Legislative power entirely into his own hands, he dismissed without showing any colourable reasons the old Members of Council, who had served the King without blemish for many years and had supported the Government upon emergencies by their private fortunes, sending home to the Secretary of State the names of such tools as were fitting

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for his purpose to be appointed Councillors. Having thus gained the Councill as well as the Assembly, he puffed up those new Creatures with a vain opinion that they had the power of the House of Lords, from whose jurisdiction no Appeal lay, and under colour of this by their decree outed H.M. subjects of their freeholds, denying appeal and imprisoning others without bayle or mainprise, or so much as the show of any crime. The better to establish his authority, he gave out, and caused his creatures to trumpet everywhere that his interest was so great with the Ministers at Court that whatsoever he should do would be justified, and that all complaints against him were in vain, which, by wretched experience, wee have found to be too true. Having conceived an irreconcileable hatred and aversion to all those who could not servilely comply with his will, or were unserviceable to his projects, with more security to excuse his implacable vengeance, he first privately and then publickly employed his pen, his creatures and his interest falsely to calumniate all those his injustice had made his enemies, that by such detraction the subjects of his revenge might be ruined without pity or remedy, and that his vengeance might more surely take effect, he resolved to spare neither friend nor foe in this Colony, but projected the reducing the whole Plantation to poverty and misery, and eradicating all foundations of property, if his designs could have taken effect, proposing to H.M. by Act of Parliament or Act of Assembly, but rather the former, on frivolous and empty surmises, or colourable pretences to vacate upwards of three quarters of the grants from the Crown of the lands in this Province, with a Commission to himself and others authorising and empowering him to distribute those spoils of H.M. subjects unto those tools and his creatures: and it's not improbable he intended no small share to himself. He made some progress in those designs, but, before they could ripen, or that he was furnished with persons skilful enough to give colour to his actions, God Almighty, of his infinite mercy to this poor Province, was gratisously pleased by his death to put an end to his projects. Altho' by his death the mainspring of those purposes seemed to be weakened, yet the stayns of his artifice and improbity have a deep tincture left amongst us, and still continue to disturb and perplex the peace and tranquillity of this Province. When the choice of the people necessary to recommend or authorize any to the Government, and that happens to fail, they have found out a trick of returning themselves the better to perpetuate their dominion over us, nor are any indirect contrivances wanting that may serve to that purpose. Since the death of the Earl of Bellamont a new Assembly has been called, and great corruption used in the choice and return of many of the Members, which being met notwithstanding the said corruption, one half of the Members did impeach one Abraham Gouverneur, their Speaker, for being an alien, who, being supported by the other half, could receive no decision in that House, which notwithstanding, the Government as at present circumstanced have been pleased to countenance the Alien and his party, who, to strengthen themselves, presently took

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in their company (instead of two that were expelled) two who were not the choice of the people, and have continued to sit and act as an Assembly, altho' two thirds of the freeholders and inhabitants of the Province absolutely refuse to acknowledge them as such. In this pretended sessions of Assembly they have passed sundry bills, one of which is to deprive a great number of the natural English freeholders of their right of voting for any future Assembly, and enabling others who are not freeholders and have no legal right to vote by the Laws of England nor this Province, to strengthen their party; another Bill granting the Lt.-Gov. a sum of money to tempt him to keep them together and pass their Laws, and a sum of money to the Chief Justice to find colour and form for those Bills, and proceeding with sundry other Bills tending to the destruction of the properties, freeholds and inheritance of H.M. subjects. *Pray for consideration and redress. Endorsed as preceding. Copy. 2 $\frac{3}{4}$  pp. [C.O. 5, 1047. No. 51.]*

[May 12.]

**466.** Address of some Inhabitants of New York to Governor Lord Cornbury. Whereas many of us live remote, and the time of your Lordship's arrival being uncertain, we have presumed to take this method of expressing the sincerity and fervour of our affection, humbly addressing your Lop. by this paper, congratulating your Lop's. safe arrival and that of your noble Lady and family. We doe assure your Lordship that we have and will always conserve a zealous and steddy resolution to support and promote, to the utmost of our power, the honour and interest of our most gracious Sovereign Lord King William (whom God long preserve to reign over us) in this part of his dominion, and if it shall please God H.M. see it for the honour and interest of the English Nation to engage in a new war, we shall chearfully undertake the duty and charge thereof in this frontier Province, as we have done in all the last warr, and will not be wanting in the hearty expressions of our duty supporting and supplying those your Lop. shall judge necessary to a just and impartial administration of Government to all H.M. subjects inhabiting this Plantation. We have this intire confidence in your Lop's. great prudence, justice, courage and conduct, that, with the blessing of God upon your Lops. endeavours, we doubt not to enjoy safety and protection from our enemies abroad, liberty of conscience, peace and tranquility at home, and that the name of party and faction may henceforth evanish with everything contradicting to the true English interest. That your Lordship be successful in attaining all the ends of good Government, grow in your Prince's favour, and have the due reverence as well as the cordial affections of the people here under your direction, live long and happy amongst us to the praise and glory of Almighty God, and your Lop's. satisfaction and content, are the cordial wishes and constant prayers of your Lop.'s most obedient and dutiful servants. *No date or signature. Endorsed as preceding.  $\frac{3}{4}$  p. [C.O. 5, 1047. No. 52.]*

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[May 12.] **467.** Lord Bishop of London to the Council of Trade and Plantations. Requesting them to take into serious consideration, (1) the 26*l.* allowed [*annu*]ally by his late Majesty towards the providing of [*a*] House for the Minister of Trinity Church in New York to dwell in, in order to the continuance of it; (2) that, whereas 110 acres in the County of Westchester, in New York Province, have escheated to the Queen by the death of one Thomas Williams, their Lordships' judg[*ment*] would be for the settling them upon the Church in the said County, the better to provide for the subsistence of a Minister; (3) that the Act of Assembly already past for the altering a former Act made for the establishment of a Church in Westchester County is of very dangerous consequence, and highly deserves their Lordships' consideration, and to which the Lord Bishop of London desires to be heard, before it pass; (4) that an Act about Clandestine marriages, past by Mr. Pen in Pennsylvania, is of great importance to religion and deserves their Lordships' maturest thoughts, before it receive the public allowance. *Endorsed*, Recd. Read May 12, 1702. *Edges torn.* 1 *p.* [C.O. 5, 1047. No. 48.]

[? May 12.] **468.** Notes upon the Bishop of London's foregoing Memorial. (1) The Earl of Bellomont, pursuant to the King's Instructions, did, with the consent of the Council, settle an annual allowance, 26*l.*, out of the Revenue, on the Minister of New Yorke for house rent till further order. The Earl in his letter April 27, 1699, mentions this stipend as more than an equivalent to the farm of 7*l. per annum* taken from the Minister by the Vacating Act, May 16, 1699. (2) Mr. Heathcote's petition, Jan. 8, is to the same purpose. (3) Query, whether the Act quoted in this Article be the same which is entitled An Act declaring the Town of East Chester a distinct parish from the Town of West Chester. (4) This Act has been reported upon by the Solicitor General, and no objection made against it in his report. 1 *p.* [C.O. 5, 1047. No. 49.]

May 12. **469.** Journal of Council of Trade and Plantations. Col. Quary Whitehall. laid before the Board his reply to Mr. Penn's answer, which was read. And he also desiring a speedy day may be appointed for the hearing of that matter, their Lordships appointed this day sevennight. Ordered that the Secretary write to Mr. Penn. [See above, May 12.]

Mr. Adderly and Mr. Lodwick acquainted the Board that they have lately received letters from their friends at New York (particularly from Mr. Noel, Mayor of that City) informing them that Col. Bayard had been tried for high treason, March 12, and being found guilty, was to receive sentence the next day, but that Mr. Noel promised to use his endeavours with the Lt.-Gov. to stop execution. They presented three Addresses and a Proclamation of the Lt.-Gov., which were read. Ordered that a copy be taken of the latter, and that Mr. Champante have notice of the receipt of these papers, and copies of what he judges useful to him.

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Mr. Chamberlain laid before their Lordships a Memorial from the Lord Bishop of London relating to some Church Affairs in New York, which, being read, their Lordships desired him to inform himself more particularly about the first head, and explain it to them, in order to the proceeding upon the whole.

A note from Mr. Thurston read. Letter to Mr. Lowndes ordered.

Letter to Mr. Burchet ordered upon Mr. Randolph's memorial [May 12].

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Letter from Sir Henry Ashurst read.

Letter from Lt.-Gov. Bennet, March 13, read.

Letters from Mr. Sheaf, New Hampshire, Feb. 18, and Lt.-Gov. Partridge, Feb. 20, read. Ordered that copies be sent to Col. Dudley, and that he be referred to the directions of the Lord High Treasurer for what may be necessary to be done thereupon.

Letter from Capt. Hasket, Dec. 27, 1701, read, and papers enclosed laid before the Board. Capt. Hasket immediately after presented himself to the Board, acquainting their Lordships that he is just newly arrived from New York by way of New England. He complained of the inhumane usage he had met with from the people of the Bahamas and said he would vindicate himself from the aspersions he had cast upon him. [He signified also that, before his departure from New England, he had received letters from New York and a Proclamation issued there of March 20 or 22 by which he understood that some of the prisoners lately committed there had made there escape, but that he had left his letters on shipboard, and he could not remember particular circumstances.] *This passage occurs in the original Minutes only, and is deleted there. Ed.*

Address of the Assembly of Virginia considered, and directions given for preparing a Representation thereupon.

Mr Chamberlain attending [see above], and it being observed that an Act of New York, mentioned in the Bishop of London's Memorial, relating to a Church in the County of West Chester, is in the hands of the Solicitor General, ordered that it be sent for. [C.O. 391, 15. pp. 14-22; and (original Minutes) 391, 96. Nos. 85, 86.]

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**470.** Minutes of Council of Barbados. Petition of Nicholas Churchell, praying to be discharged from prison or else sent home to be cleared, read. Ordered that he be sent to England the first opportunity, and meantime be kept in prison. [C.O. 31, 6. pp. 214, 215.]

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Portsmouth.

**471.** Minutes of Council in Assembly of New Hampshire. John Hinkes was paid his account for himself and soldiers at Fort Wm. and Mary, May 17, 1701-May 17, 1702.

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Estimate of what is wanting to the Fort William and Mary sent down to the Representatives.

Arrears of wages paid to James Phillips.

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Bill for continuing several duties and customs, sent up, was read.

May 14. The Assembly was adjourned till May 28th. [C.O. 5, 789. pp. 281-285.]

May 13. **472.** Commission for Capt. Benjamin Bennet to be Lt.-Gov. of Bermudas. *Similar to that abstracted 1699, No. 382. The clause as to taking the oaths now runs,* You having first taken the oaths appointed to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in the Act for declaring the Association to be determined, as also the Test, together with an oath for the due execution of the office and trust of our Lieut.-Governor and Commander-in-Chief, as well with regard to the equal and impartial administration of Justice in all causes that shall come before you as otherwise, and likewise the oath required to be taken by Governors of Plantations to do their utmost that the Laws relating to the Plantations be observed, all which (with exception of the last) you shall administer to each of the Members of Council. [C.O. 38, 5. pp. 217-237.]

May 13. **473.** Vice-Admiral Benbow to Mr. Secretary Vernon. *Repeats second portion of letter [April 30] given under April 13. Continues: Bredah, at Jamaica, May 13th.* The 11th inst. off of the E. end of this Island by Capt. Whetstone I received your favours of Feb. 22, H.M. Instructions of 19th, and a copy of Instructions from the Lords Justices Oct. 23 last (the original not yet come to my hand), all which shall be complied with to the best of my power. The receipt of these Orders obliged my return to Port Royal, where I arrived yesterday with H.M. ships in the marginet [Bredah, Defiance, Canterbury, Dunkirk, Dreadnought, Windsor, Kingston, Gloucester, Greenwich, Bristoll, Colchester, Scarbrough, Strombolo fireship], to confer with the Governor on the matter, and sent the Falmouth, Ruby and Experiment on the errand I was designed, but with all the caution as if a war, vitz., to know where the French Fleet are, whether at Pettit Guavas or Logan, and how they intend to proceed, from whence I expect news. This day I met the Governor, and communicated H.M. Instructions, and it was his, as also my own opinion that I send a man-of-war with a letter to the Governor of Carthagena, signifying H.M. alliance with the Emperor, with all the soft terms of that Instruction, hoping 'twill bring them over to the House of Austria, and relinquish that of Bourbon; another of the same kind to the Vice-Roy of Mexico, and one to the Governor of the Havanna; if this be refused, will immediately put in execution the Lords Justices' Orders of Oct. 23. By the advice we have of M. Shatternoe [? Château-Renault], they are very much stronger than we, both in men, ships and guns, and to hazard a battle when so great an inequality, I humbly conceive imprudence, the safety of H.M. Plantations depending on the success. Just now have advice that on March 27th was seen 17 saile of tall ships pass by the little Cumana, which may be part of Mounsr. Shatternoe's squadron, if so, 'tis probable they are bound to the

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Havanna to offer their service to convoy the Flota ; we have not strength to follow them, which if we had should leave this Island to the mercy of the other part of his squadron, which judge to be at Logan, if so, I hope to see them in a little time, and if it please God to give success, I doubt not but the Spaniards in these parts will be soon brought over to the House of Austria and relinquish that of Bourbon, but before this will be done, there must be set up one of the Austrian Family in old Spaine, for they will be very cautious to declare without a certainty. *Signed*, J. Benbow. *Endorsed*, R. Sept. 10, 1702. 3 pp. [C.O. 137, 45. No. 4.]

May 13. **474.** Minutes of Council of Virginia. Wm. Robertson, appointed Clerk of the Assembly, took the oaths appointed. H.E. signed a pardon for Ann Tandy (see April 25).

Letter from Capt. Moodie read, representing that he had fitted up a very convenient place at Point Comfort for careening H.M. ships of war, or any other ships that shall put into this Colony, and proposing that some care be taken and some person appointed to look after the same, as also that a Law be made for apprehending such seamen as shall desert H.M. service. Consideration referred to a further Council.

May 14. Capt. Moodie, H.M.S. *Southampton*, ordered to cruise in the Bay between Point Comfort and the Capes at all fair and seasonable opportunities in order to detect illegal Traders and defend this Colony from attempt of Pirats or other enemies. It was thought necessary for the advice-boat *Eagle* to cruise in conjunction with the *Southampton*, and the Council desired H.E. to write to the Governor of Maryland to give orders to Capt. Bostock accordingly.

Upon the complaint of George Luke, Collector of H.M. Customs in the Lower District of James River, that whilst he was at Church his wife ransacked his house, and conveyed all she could conveniently come at, Ordered that he forthwith remove all books and papers belonging to his office to the house of Col. Wm. Willson, Naval Officer of the District.

H.E. signed new writs for the election of a Burgess for King and Queen County in the room of William Gough, decd. ; for New Kent in the room of Gideon Macon, decd. ; for Princess Ann County in the room of John Thoroughgood, decd., and of two Burgesses for the New County of King William.

May 15. H.E. having received a letter from Richard Buckner with some printed news, said to be brought in by Chaplin, master of the *Triall* brigantieen of Bristol, H.E. signed a warrant for the appearance of Chaplin and his ship's company before the Council, to be examined.

H.E. signed several patents, probates, etc.

Order issued appointing the places in the River where the ships shall ride in time of war. [C.O. 5, 1409. pp. 215-217.]

May 13. **475.** Minutes of Council in Assembly of Virginia. Representation from the Committee for Revising the Laws referred to the Burgesses.

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The Burgesses attending, H.E. addressed them :—The Council of Trade having by several letters to me recommended the dispatch of the revisal of the Laws, I hope you will take care that the same may be furnished this Session. To avoid misunderstanding, I have not caused any writs to be issued for election of Burgesses for the new County of King William, nor in the room of those Members of the House who, I understand, are dead, but I recommend to you to come to some speedy resolution thereon. There being but three of H.M. Council present, I will not now speak to you about several other matters. *And see preceding abstract.*

May 14. Several papers sent down to the Burgesses, relating to the embargo, the men-of-war, etc. The Governor desired their opinion upon the embargo.

The House desired the issue of writs for election of Burgesses in place of Wm. Gough, decd., King and Queen County ; Gideon Macon, decd., New Kent County ; John Thoroughgood, decd., Princess Ann County, and of two Burgesses for King William County.

May 15. *See preceding abstract.* Message sent down with proposals for appointing places for the ships to ride in time of war, and for preventing the dissemination of false news by masters of ships. Some propositions were agreed to and sent down, designed to prevent the inconvenience that may occur between the demise of the King and the Proclamation of his Successor—All Acts, deeds and sentences of the Governor, Council and Justices, etc., to be valid as if the King were actually alive ; all crimes to be similarly punishable, and the Governor, with the advice and consent of the Council, to be able to continue the General Assembly or prorogue or dissolve it.

Grievances of Charles City County referred to the Burgesses.

Message sent up from the Burgesses approving the present embargo.

The Burgesses agreed to the appointment of places for ships to ride ; but did not think it necessary to enforce the Act of 1671, providing that in time of war no person should go on board any ship until she hath sent on shore and it shall be known what she is. They resolved that a Bill be prepared to prevent the publication of false news. [C.O. 5, 1409. pp. 569–576.]

May 13. **476.** Journal of House of Burgesses of Virginia. William Randolph, Clerk of the House, was excused attending for the present.  
College of William and Mary.

*See preceding abstracts.*

May 14. *See preceding abstract.*

May 15. Petition of Robert Beverley referred. [C.O. 5, 1408. pp. 359–367.]

May 14. **477.** Order of Queen in Council. Directing the Earl of St. James's. Nottingham, H.M. Principal Secretary of State, to prepare a warrant for H.M. signature requiring Governor Nicholson to discharge Lewis Burwell from the place of Councillor of Virginia.

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[See May 7, etc.] *Signed*, John Povey. *Endorsed*, Reed. 9th, Read Sept. 10, 1702. 1 p. [C.O. 5, 1312. No. 33; and 5, 1360. p. 224.]

May 14. **478.** Order of Queen in Council. Appointing Philip Ludwell St. James's. a member of the Council of Virginia, and directing the Earl of Nottingham to prepare a warrant for H.M. signature accordingly. A like order for Wm. Bassett. A like order for Henry Duke. *Signed*, John Povey. *Endorsed*, Reed. 9th, Read Sept. 10, 1702, 1 p. [C.O. 5, 1312. No. 34; and 5, 1360. p. 225.]

May 14. **479.** Order of Queen in Council. Approving Representation St. James's. of April 29 concerning the  $4\frac{1}{2}$  per cent, and ordering the Council of Trade to prepare letters to the Governors of Barbados and the Leeward Islands accordingly, for H.M. approbation and further signification of H.M. pleasure thereupon. *Signed*, John Povey. *Endorsed*, Reed. 18th, Read May 19, 1702. 1 p. [C.O. 28, 6. No. 59; and 29, 8. pp. 27, 28.]

May 14. **480.** *Memorandum* of above Order in Council.  $\frac{1}{4}$  p. [C.O. 152, 4. No. 91.]

May 14. **481.** Order of Queen in Council. Referring the Representation St. James's. of April 29 to Lord Godolphin, Lord High Treasurer, to consider what relates to the supplying money for the several demands therein mentioned for stores and for the fortifications in the Barbadoes and the Leeward Islands out of the  $4\frac{1}{2}$  per cent. in those parts, and to report his opinion to H.M. at this Board. *Signed*, John Povey. *Endorsed*, Reed. Read May 20, 1702. 1 p. [C.O. 28, 6. No. 58; and 29, 8. p. 29.]

May 14. **482.** *Memorandum* of above Order in Council.  $\frac{1}{4}$  p. [C.O. 152, 4. No. 90.]

May 14. **483.** Order of Queen in Council. Referring to the Council of Trade and Plantations the enclosed petition for their report. *Signed*, John Povey. *Endorsed*, Reed. Read May 27, 1702.  $\frac{3}{4}$  p. *Enclosed*,

483. i. Humble petition of the greatest part of the Proprietors of Nova Cæsaria or New Jersey to the Queen. Petitioners have surrendered their right of Government, praying that they might have the naming of the first Governor. Gov. Andrew Hamilton's administration for several years past has been to the general satisfaction of the inhabitants and of Petitioners. *Pray* H.M. to commissionate him to be Governor of Nova Cæsaria. *Signed*, Joseph Ormston, Joseph Ormston as representative of Francis Hancock, deed., and proxy for Edward Anthill and George Willcocks, L. Morris, for all the Proprietors residing in East Jersey, Isaac Cocks, Tho. Bromfield, E. Pauncfort, Ben. Levye, John Davis, Peter Houblon, James Boddington, John Whiteing, Gilbert Molleson,

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Gilbert Molleson proxy for Robert Barely, Tho. Hart, John Jurin, Benj. Nelson, William Snelling, Robert Ford, Richard Harrison, Richd. Greenaway, John Hollis, Jos. Collyer, Thomas Allen, Philip Wightman, Tho. Miller, Tho. Morice, Charles Michel, Peter Hudson, Peter de Lannoy, Tho. Kerxes, Ben. Steele, Hannah Howard, Fra. Michel, Jo. Bennett, Jos. Wildigos, Exec. of Paul Darby, John Booker, Tho. Lane, Paul Docminique, Tho. Skinner, E. Richier, Michael Watts, Obadiah Burnett, Jno. Bridges, Robt. Michel, John Wilcocks, Jos. Brooksbanke, Fran. Minshull, Eben. Jones, Jno. Norton, Hen. Adderly for Richd. Hasaell. *Copy.* 2 pp. [C.O. 5, 1261. Nos. 96, 96.i.; and 5, 1290. pp. 4-6.]

May 14. **484.** Order of Queen in Council. Referring enclosed petition St. James's. to the Council of Trade and Plantations, to report a true state of the matter of fact therein set forth, with their opinion on the whole matter. *Signed,* John Povey. *Endorsed,* Reed. 18th, Read May 27, 1702.  $\frac{3}{4}$  p. *Enclosed,*

484. i. Petition of Peter Sonmans and William Dockwra to the Queen. On behalf of themselves and other Proprietors of East and West New Jersey. Petitioners have surrendered their right of Government and the Council of Trade recommended the appointment of a Governor wholly unconcerned in the factions which have divided the inhabitants of those parts. Some of the West Jersey Society and a few others, joining with Andrew Hamilton and those of his faction, have petitioned your Majesty for him to be Governor, who, though he was formerly Governor under the Commission of the Proprietors of the said Colonies, was, by the Proprietors of East Jersey, dismissed for his mismanagements and male administration, and has been guilty of protecting Scotch ships and encouraging illegal trade, to the infringement of the Acts of Navigation, against whom there are sundry petitions and remonstrances now going before the Plantation Board. Hamilton, at this day, settts up in opposition to the present Governour constituted by the same authority by which he acted as Governor in East Jersey, and has caused the seizing all Records and detained the Provincial Seal, thereby subverting the Government, and has brought all into anarchy and confusion. As the chief motive of Petitioners to their surrender was the well settling those Provinces under your Majesty's more immediate authority so they humbly conceive it impossible the differences there can be reconciled, if your Majesty should please to constitute Hamilton Governor, forasmuch as that neither your petitioners here or the inhabitants there, who have opposed Hamilton, can reasonably hope for redress of the injuries they have received from his male

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administration and injustice, if he should be armed with your Majesty's Commission, whereby he would become both Judge and Party. Pray that some person wholly unconcerned in the factions of the Provinces be appointed Governor. *Signed*, Peter Sonmans, William Dockwra.  $1\frac{3}{4}$  pp. [C.O. 5, 1261. Nos. 95, 95.i.; and 5, 1290. pp. 1-4.]

May 14. **485.** Order of Queen in Council. Approving Representation St. James's of April 29, and referring it to the Earl of Romney, Master General of the Ordnance, to consider the further demands therein mentioned for stores of war, the fortifications, the Engineer and Gunners in Barbadoes and the Leeward Islands, more then what is mentioned in the Order of Council, April 17, and to prepare an estimate thereof to be laid before H.M. at this Board. *Signed*, John Povey. *Endorsed*, Recd. Read May 20, 1702. 1 p. [C.O. 28, 6. No. 57; and 29, 8. p. 30.]

May 14. **486.** *Memorandum* of above Order in Council.  $\frac{1}{4}$  p. [C.O. 152, 4. No. 92.]

May 14. **487.** Governor Codrington to the Council of Trade and Antegoa. Governor Codrington to the Council of Trade and Plantations. I have just received the enclosed from Nevis from Coll. Abbot and Mr. Piney of the Council and the two best men in that Island without exception. I send them to your Lordships because they will naturally lett your Lordships into the temper and spirit of people here, even of the best sort of them, for such as have the best Plantations here are not always men of the most virtue or the best understanding. The poor gentleman, Coll. Elrington, has spent of his own money in the publick service since he came to his Government above seaven hundred pounds to my certain knowledge, for he had nere two hundred of me and never reed. one penny benefit from the publick but one pipe of Madera wine—for he very honourably did his duty in all respects and was contented to loose by that employ in hopes to have merited a better. It was some months before I could persuade the people to find the Governor a house to live in, and if Mr. Piny had not been so kind to have allowed him an apartment in his house, the King's Governor must have lain in the street, or a punch-house. But this subject would naturally lead me to some of these reflections which I have frequently made your Lordships to no purpose. I begg your Lordships to hasten my furlow. I refer it to your Lordships' equity whether I should be obliged to stay here to be the greatest drudge that ever was in the publick service and spend above 1,500*l.* a year out of my own estate to meet with such returns as I have done, I say nothing further at present of my justification; that I assure your Lordships shall be as publick as my accusation has been and as full and clear as I can wish my account may be before God at the day of judgment. *Signed*, Chr. Codrington. *Endorsed*,

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Recd. 10th, Read July 13, 1702. *Holograph.* 2 pp. *Enclosed,*  
 487. i. Abstract of preceding. 1 p.  
 487. ii. Aza. Pinney to Governor Codrington. Nevis, May 7,  
 1702. I really find much coolness concerning our late  
 Lieut.-Governor's murder, except in Col. Abbott, that  
 is very heartily grieved for his death, and most zealous  
 towards the persecution of the murderer, who this morn,  
 I was told, was not chained, tho' yester morn,  
 immediately I recd. your Excellency's letter, I sent for  
 the Marshall and shewed him your Excellency's order.  
 Col. Abbott hath much to say when you will be  
 pleased or your great charge will permit your Excellency  
 to be here; in the meantime I humbly beseech  
 your Excellency will not cause the murderer to  
 be tried until you are present. And I humbly beg  
 likewise that this I write may be concealed, because  
 I find I have contracted much envy, if not hatred, for my  
 sincerity and civility to Col. Elrington. Mr. President  
 hath ordered a meeting of Council and Assembly on  
 Saturday next, when (if I rightly am informed) I am to  
 know something that will be to me displeasing. *Signed,*  
 Aza. Pinney. *Addressed.* 1 $\frac{1}{2}$  pp.

487. iii. Richd. Abbott to Governor Codrington. Nevis,  
 May 12, 1702. *Replies* to the "mighty slight that was  
 made of the prisoner that had committed so bloody  
 a fact in killing our Governor. When I made enquiry  
 how that blood-hound was secured, I found him in a very  
 fair way to make his escape, the officers vowing to  
 prieve him, upon which I caused drums to beat, and in  
 some very small time had three companies of men  
 belonging to my Regiment under arms and lined our  
 prison round. The villain was committed without being  
 fettered or handcuft, and only turning the key of a  
 slight lock. I have presumed still to continue a Com-  
 mission officer, sargent and three files of men day and  
 night. I question not but your Excellency may be  
 informed other ways, and by such who have shewn  
 too great indignation ever to justify themselves. I am  
 constrained to make use of the plural number, because  
 I know them too culpable; never poor gentleman so  
 mortified by a peculiar people, as the deplored and  
 dear Soul that have been sacrificed to support Justice.  
 I hope your Excellency will order a speedy trial and some  
 good person learned in the Law for the drawing up his  
 indictment, etc. *Signed,* Richd. Abbott. *Addressed.*  
*Sealed.* 1 $\frac{3}{4}$  pp. [C.O. 152, 4. Nos. 98, 98.i.-iii.; and  
 (without enclosures) 153, 7. pp. 491-493.]

May 14. 488. Journal of Council of Trade and Plantations. Bishop  
 Whitehall. of London's paper [May 12] considered, and some notes taken  
 to be communicated to Mr. Chamberlain.

Ordered that a copy of the fourth Article, relating to

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clandestine marriages in Pennsylvania, be sent to Mr. Penn, and that he be desired to come prepared on Tuesday next, to answer the objections that may be made against the said Act, and to shew the reasonableness of it. *The notes referred to were* :—The 26*l.* allowed to Mr. Vesey for house rent was given by an Order of Council of New York, Dec. 14, 1698, and to continue till further order. It does not appear that this Order has been revoked. However, this Board is of opinion that it still be continued, and that the Governor be directed to represent to the Assembly, that they ought to provide for a House for the Minister. (2). The disposal of escheated lands ought properly to be offered to the consideration of the Lord High Treasurer, etc.

May 15. Representation upon the Address from the Assembly of Virginia was agreed upon. [C.O. 391, 15. pp. 22–25; and 391, 96. Nos. 87, 88.]

May 15. **489.** Lt.-Governor Beckford to Mr. Secretary Vernon. *Jamaica.* Yours of Feb. 22, 170*½*, with enclosed Instructions, came to my hands the 13th inst., but whether Brigadier Selwyn ever received the original Instructions from the Lords Justices of Oct. last, I know not, but believe he did not, because Adm. B. told me they never came to his hands. However, if they had, he could have done little more than he has, for it could not have been prudence in him to have stirred out from hence whilst Château-renault lay with three times his strength to windward, and we daily expected the French would bring down their force and attack us. It's past all doubt that the French have prevailed wonderfully with the Spaniard both in amity and trade for these 12 months past, for all their ports have been open to them, and the French have put their officers therein, and have received all their orders from the French Court; several ships from France that brought them arms and ammunition have had particular orders for a Free Trade, to compensate their charge: by these and several other wayes they have now advanced their commerce considerably in the Indies, and have barred all others, but whether this proceeds from Love or Feare in the Spaniard, further time must shew, but by all that ever I could learn, 'tis most from the latter; and that which has most startled them is their having French officers put upon them, which will, I hope, in time render them uneasy. If it shall be thought fit to send more ships hither, there must be care taken to send supernumerary sailors in them, and some way found out to send 10, 20 or more seamen on the King's account in every merchant ship bound for this Island, otherwise the Fleet will constantly want men. The way to obviate the French's getting the trade of the negroes wholly into their hands, in my opinion, must be: (1) To keep frigotts on the coast of Cartagena and Porto Bello. (2) To obstruct their trade by our frigotts, and all other possible wayes and meanes on the Coast of Guinea. (3) To hinder all English merchants from making any contracts with the French, and to prevent their delivering their negroes at any place or island, perticulrly the Cape de Verd and adjacent Islands, and Hispaniola, or at any Spanish

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Port ; by this means the French will be made incapable to furnish the quantity contracted for, and their Assiento (for the introduction of negroes) must break the first year, and then the Spaniards will be glad to take them of the English, for the French can never furnish the number the Spaniard must have except assisted by both English and Dutch. As soon as A . . . B . . . e [? A[dmiral] B[enbow]e] and selfe have further consulted about the Instructions, I shall further advise you abt. this matter. In the meantime I had not given your honour the trouble of this, if you had not notified that the Fleet still remained under your care. I hope if I shall have done amiss in it, you will excuse me to my Lord Manchester. *Signed*, Pe. Beckford. *Endorsed*, R. Sept. 10, 1702. 2 pp. [C.O. 137, 45. No. 5.]

May 15.

**490.** Minutes of Council of Barbados. The President produced a packett which he had received last night, with a letter from the Privy Council announcing the death of King William and instructions to proclaim Queen Anne ; together with a letter from the Council of Trade with H.M. Declaration at her first sitting, etc., etc.

Ordered that on Monday, May 18, be the occasion for the solemnity of proclaiming H.M., and that notice be given to all persons in office to attend the President and Council there, etc.

Letter from the Council of Trade with enquiry as to the Court of Admiralty read. [C.O. 31, 6. pp. 215-219.]

May 16.

**491.** Sir Jn. Cooke to the Council of Trade and Plantations. D.D. Commons. The recitals of the Treaties made in the petitions of Jeronimy Clifford [See April 21] are true, but how far they have been violated, either in Surinam or in Holland, can neither fully nor safely be determined till the truth of the several matters of fact suggested is ascertained. *Recommends* that the case be referred by H.M. to the States General for their speedy and serious consideration, "and particularly that H.M. desire the States General, agreeable to the 5th Article of the Treaty of 1674, to issue forth their Instructions to the Governors of Surinam ; that Mr. Clifford be permitted to transport his goods and slaves thence in such ships and to such places as H.M. shall direct, and to deliver such their Orders, at the time limited by the Treaty, to such person as H.M. shall depute to receive the same. If the Lords the States General in their answer do not deny the matters of fact contained in the said petitions, but shall refuse or delay to give Mr. Clifford speedy and effectual relief therein, I know no other method prescribed by the Law of Nations for her Majesty to pursue on behalf of her injured subject, but to grant Letters of Reprisall." *Signed*, J. Cooke. *Endorsed*, Recd. Read May 22, 1702. 1<sup>3</sup>/<sub>4</sub> pp. [C.O. 388, 75. No. 52 ; and 389, 40. pp. 131-133.]

May 16.

**492.** Mr. Addington to Mr. Popple. *Refers to enclosures.* Boston. The Province continues in peace and I hope will do so, at least that a war will not open in these parts until the arrival of

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H.M. Governor, of whom we have long been in expectation, when the administration of the Government will be more easy, by comeing into a narrow compass. The Lord Cornbury arrived at New York April 30, whereby I hope the late unhappy heats and animosities between H.M. subjects within that Province will be allayed, and the ill effects of the same prevented. And that this Province will also shortly be made happy by the presence of H.M. Governor. *Signed*, Isa. Addlington. *Endorsed*, Reed. 19th. Read July 24, 1702.  $1\frac{3}{4}$  pp. *Enclosed*,

492. i. *Memorandum* of Minutes of Council of the Massachusetts Bay, Feb. 24, 1701(2)—May 8, 1702.  $\frac{1}{4}$  p.

492. ii. *Memorandum* of Minutes of Council [*in Assembly?*] of the Massachusetts Bay, Feb., 1701 (1702).  $\frac{1}{4}$  p. [C.O. 5, 862. Nos. 112, 112.i., ii.; and (twice over, without enclosures) 5, 910. pp. 226–229.]

May 16.

**493.** Minutes of Council in Assembly of Virginia. Chicheley Corbin Thacker's petition for his salary, and his question as to the payment of fees for the issuing of Military Commissions, referred to the Burgesses.

Proposal sent down to the Burgesses that, to prevent ships running away after embargoes are laid, to the danger of others, if they are taken, and their own profit if they are not, a Bill be brought in obliging Masters to give bond under a certain penalty to observe the embargo and the rules of the fleets. [C.O. 5, 1409. pp. 577–579.]

May 16.

**494.** Journal of House of Burgesses of Virginia. Bill ordered to be prepared in accordance with H.E.'s proposal of May 15.

Orders for last Session read, approved, and ordered to lie constantly on the table.

Ordered that the House be called over as often as shall be thought convenient, and those wanting in their duty of attendance be liable to the censure of the House. Fifteen Members with the Speaker to be a sufficient number to adjourn.

Miles Cary granted leave of absence to visit a sick friend.

Ordered that the Committees appointed, for Public Claims, etc., have power to adjourn *de die in diem*, and to send for persons, records, journals and other papers they shall have occasion of.

Ordered that all propositions, grievances and publick claims be brought into this House by the 25th, or not to be received into this Sessions. Those not considered last Session ordered to be considered this. Petitions and Grievances referred to the Committee.

*And see preceding abstract.*

Bill for continuing the sitting of Assemblys in case of the demise of the Crown read a first time. [C.O. 5, 1408. pp. 367–372.]

May 18.  
Whitehall.

**495.** Council of Trade and Plantations to the Lords Proprietors of the Bahamas. The bearer hereof, Mr. Cole, Commander of a ship that has sometimes traded to the Bahama Islands, having complained to us of ill usage received from

1702.

Captain Hasket, late Governor of those Islands, we have advised him to apply to your Lordships for satisfaction. *Signed*, Stamford, Robt. Cecil, Wm. Blathwayt, Mat. Prior. [C.O. 5, 1289. pp. 473, 474.]

May 18. **496.** Governor Lord Cornbury to the Council of Trade and New York. Governor Lord Cornbury to the Council of Trade and Plantations. In my last of the 3rd instant, I acquainted you that I found this Province in some disorder; within very few days after my arrival here I found those disorders to be much greater than at first I apprehended them to be. I was in hopes by this time I should have been able to have given your Lordships a full account of them, but the proceedings that have been had here are soe various and soe long that it was impossible for me to get such a perfect account ready to send by this opportunity as would be fit to lay before you, but the *Advice* frigott will be ready to sail from hence for England in three weeks' time, by which your Lordships shall have a full account of all matters here. I find the souldiers very ill in cloathes and arms, I find the Fort here very much out of repair,—but of all these things your Lordships shall have particulars sent by the *Advice*. I find here Col. Bayard and one Alderman Hutchins under sentence of death for High Treason, and having many complaints made to me, of hardships put upon them at their tryall, and of several irregular proceedings against them, I ordered all those proceedings to be laid before me, and I find that the Treason alledged against them is the signing and procuring others to sign an Addresse to H.M., another to the Parliament of England and another to me, to be delivered at my arrival. These proceedings were managed with so much disorder that it is pretty difficult to get a true account of them, especially till Mr. William Nicholls comes to towne, who is now in Connecticut, but is expected here to-morrow. As soon as he comes, I will have a full account of those proceedings sent to your Lordships. I have ordered all other accounts, which you ordered me to send over, to be prepared for that purpose, and I shall not fail from time to time to acquaint you with all proceedings here, and I entreat you to believe that I shall punctually follow my Instructions, and shall use my utmost endeavours to compose the differences here. I wish I may succeed in it. I find all the English merchants here, and the chief of the Dutch, and indeed the generality of the people here very desirous to be quiet. There are some troublesome spirits here, that have a mind to set the rest in a ferment if they can. I do not question but I shall prevent that. In the meantime I avoid naming anybody till I have farther satisfaction; because I would carefully avoid making any misrepresentation; for as I came a stranger hither, soe I am sure I have noe spleen to noe man, but I shall always think it my duty to give your Lordships a true representation both of persons and things. I have sent up to Albany to have an account of the condition of that place, which I fear will not be a very good one. I have acquainted all the Governments upon the Continent of my arrival here, and I shall do the same to the Islands as soon as may be. No ships

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are come hither from England since I came hither. The smallpox is very much here, but except that the Province is very healthy. *Signed*, Cornbury. *Endorsed*, Reed. Read July 10, 1702. *Holograph*. 3 pp. [C.O. 5, 1047. No. 53; and 5, 1119. pp. 164-167.]

May 18. **497.** Council of Trade and Plantations to the Queen. *Representation upon Address of Council and Burgesses of Virginia relating to the Quota for New York.* [See *Calendar America and West Indies*, Oct., 1701, and March 26, 1702.] Governor Nicholson communicated H.M. letter of Jan. 19, 1701 to the Council and Assembly of Virginia and did press them to a compliance, but found them unwilling to furnish what was expected from them. Upon this occasion they constituted an Agent of their own, directing him to present their Address to his late Majesty and to sollicit an approbation of their proceedings, tho' the same ought regularly to have been transmitted through the hands of your Majesty's Governour there, from whom they had received his late Majesty's directions. It would prove of very ill consequence in the government of your Majesty's Plantations, if countenance should be given to this manner of application, and that the Councils and Assemblies should thereby be encouraged to make representations to your Majesty by particular Agents of their own appointment, without the Governor's consent; except only when those representations contain matter of complaint against the Governor for male administration, or that he refuse to transmit or represent what they desire. In the present case no application was made to your Majesty's Governour for transmitting the said Address, nor is any complaint offered against him in reference thereunto. On the contrary, it has been acknowledged to us, as well by the said Agent as by other persons considerably interested in the Trade of that Colony, that the Governor in all his transactions with the Assembly had done his duty; and that they had nothing to object against him. The said Address presented in the name of the Council and Burgesses of Virginia, is signed only by four members of the Council. Besides the objections against the manner of presenting the said Address, we are humbly of opinion that the reasons therein offered for excusing themselves from the foresaid contribution are insufficient: for that the Forts at New York are so far advanced towards Canada as to be a common security as well to Virginia as to New York; and both those provinces, though they lye distant from each other, have no other barrier against the French. We therefore humbly propose that your Majesty would be pleased to write your Royal Letters to the Governor of Virginia, taking notice of the irregularity of this proceeding, and again recommending what has been already proposed for an assistance to be given by your Majesty's Plantations on the Continent to each other: which Letters the Governour may be ordered (as formerly) to lay before the Council and Assembly, and use his best persuasions to incline them to a voluntary compliance. *Signed*, Stamford, Robt. Cecill, Ph. Meadows, Wm. Blathwayt,

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John Pollexfen, Mat. Prior. [C.O. 5, 1360. pp. 174-178; and (rough draft) 5, 1335. pp. 17-23.]

May 18. **498.** Journal of Council of Trade and Plantations. Copies of notes taken May 14 delivered to Mr. Chamberlain. Col. Quary was given a letter, as he desired, to summon Mr. Randolph, Bass and Barkstead to attend to-morrow, in relation to the irregularities he has complained of in Pennsylvania, Representation upon the Address of Virginia signed.

Mr. Cole, Master of a ship that has sometimes traded to the Bahama Island, desiring their Lordships' assistance in relation to some ill usage he received there from Capt. Hasket, a letter was writ to the Lords Proprietors in his behalf.

May 19. Order of Council, May 14, read. Directions given for preparing letters to the Governors of Barbadoes and the Leeward Islands accordingly. Col. Quary and Mr. Penn attending some progress was made in hearing the complaints of irregularities in Pennsylvania. Adjourned till Thursday. Copies taken of depositions laid before the Board by Col. Quary.

*Abstract of proceedings* :—1st article, relating to illegal trade, in Complaints and Replies of April 16, 28, May 12 read.

Col. Quary quoted deposition of Robert Dale, mate of the *Deer* sloop, which, he observed, served to explain the manner of carrying on that illegal Trade. He added, that during Mr. Penn's being in Pennsylvania, there was another sloop laden with bread, beer, etc., for Curas̄oa, which having by accident struck ashore, and received some damage, and being thereby forced to unlade her goods, it happened that in rowling the casks, a hoop of one hogshead broke, and instead of bread there came out tobacco, which was a thing notorious, and known to Mr. Penn himself, but no prosecution made upon it. The sloop was suffered to go away, and in her return brought back a cargo of European goods from Curas̄oa, but afterwards, being found to belong to a Dutch owner, she was condemned. He instanced in another sloop called the *Callipatch*, whereof James Miller, an old pirate, was Master; she went to Curas̄oa, brought back a considerable lading of Dutch manufacture, and landed it. But Mr. Penn threatening Miller, he confessed, and the sloop was thereupon condemned. He said that when he came to Pennsylvania from Carolina, there came in two sloops from Curas̄oa; that he understood from them the manner how they carried on that trade, by presents to persons in authority, of which he gave information to Mr. Penn, when he came last over. He instanced particularly in a ship from Denmark with iron, copper, etc., which unladed publicly (tho' the ship was afterwards seized), and he said he told Mr. Penn that his Lieut.-Gov. received 100*l.* for this service. He mentioned also another ship, belonging to Mr. Caleb Heathcote of New York (Timothy Archambau, master), which took in her lading of tobacco without giving security as required by law; and the said ship was thereupon seized, but a stop put to the trial, and she was discharged. [See deposition of Robt. Webb.]

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Mr. Penn hereupon observing that some of these instances related to matters transacted before his arrival in Pennsylvania, desired that all objections relating to proceedings whilst he was there might be first considered, which was agreed unto. He then answered to the foregoing objections relating to trade, that he had often complained of the difficulties to prevent tricks in the trade to Curaçao, and did what he could to prevent it ; that the cask of bread in which there was found to be tobacco was not a hhd. as objected, but a smal cask, and the tobacco in it not above 20 or 30lb., and that, however, the fault of not presenting that matter was the Collector's, unto whom he gave notice of it. He caused Miller to enter into a recognition of 500*l.*, and sent home his name as one accused of piracy. Several persons were sent thence for piracy, but they were either pardoned or otherwise cleared here, and none executed. There had been foul play in the valuation or sale of some of the ships condemned, otherwise the King would have had much more for his share.

The second Article was then read, relating to the non-execution of the Acts of Trade. Col. Quary thereupon added that Mr. Penn's Lieut.-Gov., Markham, had refused to assist him in seizing pirates ; that David Lloyd's ridiculing the King's Commission for holding a Court of Admiralty had been proved ; that when Mr. Penn came over thither, there was a Rump of an Assembly (as he called it) sitting, which Mr. Penn continued, and they went on making Laws, amongst the rest, one for weighing tobacco ; another, which had been repealed by the King, as contradictory to the Laws of England, but that none of their Acts were owned or regarded by anybody. He acknowledged that when Mr. Penn came over, he seemed very zealous, and put out Lloyd and Markham. He produced the deposition of Jacob Bodit, which was read, relating to some pirates whom Mr. Birch, the Collector, pursued, but they defending themselves got away ; but upon complaint afterwards to the Lieut.-Governor, they were bound over to the Sessions, where, notwithstanding the evidence of four men upon oath, the Grand Jury would not find the Bill ; and [? on] Mr. Penn's coming into the country, he promised to bring that matter to a re-hearing, but did not.

To these things Mr. Penn answered as before, that they were not done ; that when he came there, he did all that lay in his power to bring the last mentioned matter to a rehearing, in order whereunto he had bound one of the men 500*l.* bond, who thereupon came up from New England, but nothing of this Article being contained in the abstract given him, he did not perfectly remember all circumstances, and therefore referred himself to the letters he has formerly writ to this Board about it. *Memorandum,* Nothing is found in Mr. Penn's letters relating to this matter.

Col. Quary in the next place produced a letter from Mr. Matthw. Birch, Collector at Newcastle, Aug. 17, 1699, relating in part to the same matter, which was read. Mr. Penn thereupon referred himself to what he writ the Commissioners of Customs upon that occasion. It being then occasionally mentioned that Mr. Penn at his coming away had put in a Lt.-Gov., Col. Hamilton,

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who is not qualified as required by law, and who had also been an encourager of the Scotch Trade in the Jersies, where he had formerly resided, he replied he had the opinion of the Chief Justice of New York that, being a Governor in his own right, he had liberty to put in a Deputy *pro tempore*, and that he did not know anyone more fit in those parts than the said Hamilton.

The Lord Lexington having been present during some part of this hearing, but being called away, Mr. Blathwayt, afterwards acquainted the Board, from his Lordship, that his intention in coming at this time was to take leave, his affairs requiring him to go into the country.

Ordered that the Secretary write to Mr. Penn to desire him to come prepared, at the meeting appointed for Thursday next, to answer the following queries [See No. 508]. [C.O. 391, 15. pp. 25-37; and 391, 96. Nos. 89, 90.]

May 18.

**499.** Minutes of Council of Barbados. H.M. Queen Anne was proclaimed at Bridgetown "with all the solemnity this place could admit of," after which a loyal Address of congratulation to H.M. was signed. . . . "We pray . . . your Majesty may preserve the balance of Europe against the overgrowing and exorbitant power of the French King, and all others that shall attempt to disturb the peace thereof or of any your Kingdoms, especially on the score of the supposed Prince of Wales, whose pretention we abhorre and renounce from the bottom of our hearts, being ready to offer up the last drop of our blood and the utmost penny of our fortunes in defence of your Majesty's right, etc." *Signed*, John Farmer, Presdt., Ben. Cryer, Samll. Cox, Rd. Downes, Rd. Elliott, James Colleton, Jno. Hooker, Jona. Downes, Chas. Buckworth, George Lillington, George Andrews, Wm. Sharpe, Patrick Mein, Tob. Frere, Mich. Terrill, David Ramsay, Richd. Scott, Abell Alleyne, Walter Scott, Thos. Hothersall, Thos. Neal, Jno. Eginton, Thos. Alleine, Benja. Hawkins, Xto. Webb, E. Chilton, Wm. Rawlin, A. Skene, Thos. Harrison, Charles Thomas, Robert Stillingfleet, Timo. Mascoll, Jno. Leslie, Wm. Fortescue, Wm. Griffith, Richd. Worsam, James Vaughan, Jaco. [James] Hannay, Robert Johnstown, Enoch Gretton, Thos. Horne, Wm. Adams, Robt. Vaughan, Gilbert Ramsay, Geo. Peers, Wm. Heysham, Wm. Leslie, Joseph Browne, Wm. Hart, Ch. Middleton, Edward Pare, Wm. Sealy, Joseph Todd, George Keyzar, Jno. Lewis, George Scott, Thos. Lewis, Saml. Beresford, A. Justice, Jno. Arrosmith, Fran. Tyrwhit, Wm. Springham, Jno. Thurborne, Guy Ball, Phillip Kirton, Wm. Baron, Rd. Perriman, S. Matson, Henry Markland, Tho. Speght, Henry Cricklow, Wm. Browne, S. Biddle, John Gough, Geo. Wilshire, James Cowse, Guy Chapman, Jno. Waster, Wm. Burnett, Nicho. Sayers, Wm. Cearnley, Michl. Glyd, Benj. Bullard, John Green, Rd. Wilshire, Thos. Beckles, Jos. Skeene, Jno. Stroude, Wm. Lewis, Wm. Rayner, Wm. Harding, Jno. Saile, Alex. Lamplée, Thos. Palmer, Rogr. White, Tho. Dinning, John Smith, Thos. Ellicoll, Thos. Stewart, Thos. Edwards, Henry Adamson, Thos. Taylor, Arthur Slingsby.

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May 19. Ordered that the Guards at the Forts, and additional Guards at the Magazine be discontinued till further orders.

Ordered that the Ministers of the respective parishes do pray for the Queen, and make such alterations in the Book of Common Prayer as is directed by an[y] order of the Privy Council, March 9, 1701, and that copies thereof be sent to them.

Ordered that all the Regiments in this Island continue exercising once in four weeks for four months from June 13th.

It was moved that a Chief Baron and Chief Justice be appointed with all convenient speed.

Major Lillington designing suddenly to go off this Island, ordered that the Forts about the Bridge do fire one round at his embarquing, as is usual for Members of Council.

Whereas H.M. pleasure is signified by the Council of Trade that all her liege subjects of this Island be assured of H.M.'s especial care and protection, exhorting them to do what is necessary on their parts for their security and defence, as becomes dutiful and loyal subjects, ordered that the same be published in the several parish churches the three next Sundays.

Ordered that the Address to H.M. be sent home to my Lord Grey, together with a letter desiring him to present the same to Her Majesty.

May 20. Ordered that letters be wrote to the Council of Trade and Plantations; in order [*answer*] to what was lately received from them.

Writs ordered to be issued for the next Grand Sessions.  
[C.O. 31, 6. pp. 219-229.]

May 18. **500.** Minutes of Council of Virginia. Capt. Moodie's proposals [May 13] referred to the Burgesses.

Ordered that Mr. Auditor Byrd send to England for all the Acts of Parliament since the 11th and 12th of H.M. reign, and also for ruled paper, common paper, and gilded paper of several sizes, wax, wafers, quills and ink, for the use of the Council Chamber, and to ask Mr. Popple to forward 100 copies for distribution, when any Proclamations are sent from that office to this Government.

Ordered that the County Courts, with all possible speed, return to the Council Office an account of all sloops, boats and flats within their respective Counties, pursuant to the order of Oct. 24, 1701.

Whereas sundry orders have already issued requiring the several County Courts and Vestrys to transmit to H.E. exact accounts of their respective County and Parish levys, and whereas many of them have proved very remiss, ordered that they be returned forthwith.

May 19. Capt. Robert Carter excusing his absence from this Assembly on account of the death of his youngest daughter and sickness of his son, H.E. accepted his excuse.

Consideration of money owed by Capt. Corbin Griffen, late Naval Officer of Rapahanock district, referred to the Burgesses.

Naval Officers ordered to render their accounts to the Treasurer.

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May 20. Capt. Thomas Lovitt [*also, Lovel*] Commander of the *Loyal Charles* of Belfast, complaining that Peter Cartwright, an ordinary keeper at Elizabeth Town, harboured his seamen to the great prejudice of his affairs, the matter was referred to the Burgesses. [C.O. 5, 1409. pp. 218, 219.]

May 18. **501.** Minutes of Council in Assembly of Virginia. *See preceding abstract.*

Proposals sent down for a Law to prevent the harbouring of runaway seamen, to restrain seamen from travelling but such as can give a good account of themselves and their business, since in time of war enemies' ships hovering about the coasts may send some of their crew on shore to spy out the condition of the country, and also to provide that all castaways or seamen discharged from merchant ships coming into this Colony be put on board the King's ship attending this Colony.

Message sent to the Burgesses urging that the Bill for the better despatch of public letters be taken into consideration in the first place. And it being absolutely necessary that in time of war some method be adopted for keeping a constant and frequent correspondence with the Governments to the Northwards, it is proposed that a post be settled from hence to Philadelphia, whence letters are conveyed by the common post every week to and from New York and Boston, whereby timely notice may be had of any invasion or attempt made in those parts.

Bill for the continuing the sitting of General Assemblies in case of the death of the Sovereign, sent up, was read a first time.

May 19. Above Bill read a second time and third time, passed with amendments, and sent down. The Burgesses passed the Bill with the amendments, and it was signed by H.E., who recommended the dispatch of business.

Wm. Randolph, junr., was sworn Clerk of the Committee for Propositions and Grievances.

Petition of Henry Lownd of Henrico County, praying allowance for a negro slave condemned and executed for a rape, referred to the Burgesses.

Petition of Thomas Blunt, Indian Interpreter on the South side of James River, for his salary, referred to the Burgesses.

May 20. Message sent to the Burgesses, that the Chickahominy Indians had represented to H.E. that the Surveyor employed for laying out their land pursuant to the resolves of the Assembly, doubted of the meaning of some of them; and that H.E. was informed that several persons have seated on those lands in controversy even since the last Session of Assembly. The speedy settlement of the matter therefore recommended to the Burgesses, H.E. and Council conceiving that, after Patents are granted to the Indians, by the laws of this Colony, the Articles of Peace made with the Indians and the Instructions of the Council of Trade and Plantations, no person ought to be suffered to live within the bounds of the said land.

Some of the Proprietors of the land laid out for the City of Williamsburgh having refused to accept the money allowed them

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for it, it was recommended to the Burgesses to take care therein, that it may be no longer a discouragement to persons to take up lots and build, and also that all the small outhouses belonging to Mr. John Page standing in Gloucester Street, leading from the College to the Capitol, be paid for and pulled down, that so the said street may be regularly laid out.

Message sent to the Burgesses proposing that, since the Act made last Session for seating the frontiers with cohabitation had hitherto proved ineffectual, notwithstanding the farther encouragement given by an Order of Council, Oct. 23, 1701, a Joint Conference be held to consider the most proper methods for rendering it more effectual or some other way for securing the frontiers. The Burgesses refused.

Several petitions referred to the Burgesses.

*And see preceding abstract.* [C.O. 5, 1409. pp. 579-588.]

May 18. **502.** Journal of House of Burgesses of Virginia. Bill for continuing the sitting of Assembly in case of the demise of the Crown was read a second and third time with amendments, passed and sent up.

Upon the petition of Robert Beverley, who had been refused his allowance given by law, in the court of James City County, it was decided that the James City Burgess ought to be paid by those Freeholders of the City and parts adjacent who have a right to vote.

*And see preceding abstracts.*

May 19. Mr. Beverley asked leave to bring in a Bill for the levying of the charges referred to above, but was refused.

William Randolph, jr., appointed Clerk of the Committee of Propositions and Grievances.

Mr. Wynne was granted leave of absence.

*And see preceding abstracts.*

May 20. Resolved, that it is not convenient to proceed upon the Revisal of the Laws this Session.

Resolved, that there is no necessity at this time to make a Law for settlement of Ferries and payment of publick expresses.

Petitions of inhabitants of Norfolk County, of William Rudd, Minister of Norfolk, etc., rejected.

Several claims referred to Committee.

Petition of Henry Lownd, praying allowance for a negro of his who was executed, rejected.

*And see preceding abstracts.* [C.O. 5, 1408. pp. 372-387.]

May 30.  
Fort  
Kijkoveral  
in River  
Essequibo.

**503.** Governor Beeckman to [? the Dutch West India Company]. *Signed*, Samuel Beeckman. *Endorsed*, Reed. Aug. 8 [N.S.] 1702. *Dutch.* 5 pp. *Enclosed*,

503. i. Petition of inhabitants of Essequibo about negro slaves. *Dutch.* 1½ pp.

503. ii. List of those who have drawn Bills of Exchange on account of slaves bought, imported by the *Fortuyn*, April 10 [N.S.] 1702. *Dutch.* 2 pp.

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503. iii. Order of Council of Essequebo, Feb. 20 [N.S.] 1702.  
*Dutch.* 2 pp. [C.O. 116, 19. Nos. 9, 9.i.-iii.]

May 19.  
 Council  
 Chamber in  
 Barbados.

**504.** President and Council of Barbados to the Council of Trade and Plantations. We have received your Lordships' letter of March 19, and proclaimed the Queen accordingly the 18th inst. in the most solemne manner that we could. After Proclamation was made, all the forts and ships discharged all their guns three times, and a general satisfaction appeared in the countenance of all the people upon H.M. happy accession to the Crown, we having assured them, according to your Lordships' command, of H.M. especial care and protection; and exhorted them to do on their parts what is necessary for their security and defence in the present conjuncture, as becomes loyal and dutiful subjects. Your Lopps. were likewise pleased to signify to us that we should receive a warrant under H.M. Royal signature empowering us to continue the use of the Public Seal, which warrant we have not as yet received. We likewise received two packetts with directions to forward them, one for the Governor of the Leeward Islands, which was sent forward, the other for the Governor of Jamaica is not yet sent, but care shall be taken that it shall goe by the first opportunity. We have also received your Lopps.' letter with the Order of Council requiring an account whether the Courts of Admiralty in this Island are established by virtue of a Commission from the Admiralty or under the Great Seal of England. Upon receipt whereof we immediately repaired to the Records, and do find that the Court of Admiralty is held here by virtue of a power given to Lord Grey by a Commission from His late Majesty under the Great Seal of the High Court of Admiralty; and the processe of the Court did issue in His late Majesty's name. Mr. Larkin, who is one in the Commission appointed by His late Majesty for the tryall of Pirates, arriving here in April last, a Court was immediately called, and the persons appointed in the said Commission were summoned to attend in order to qualify themselves to act in the said Commission by taking the oaths appointed, etc., which was accordingly done April 13 last by all the Commissioners that then attended.

We have sent by Capt. Warren one Nicholas Churchill, who was condemned with Capt. Kidd for piracy, and believed to have made his escape from Newgate, as we were informed by Mr. Larkin. He acknowledged himself to have been condemned, but alleadged he had obtained His late Majesty's pardon, but, not having anything to show to convince us of the truth thereof, he was here apprehended and committed to goale, whereupon he petitioned to be sent home in order to his getting his pardon as he alledged. As to what your Lopps. were pleased to signify, Aug. 20, that some Governors and Members composing a Court of Chancery did sit and act without taking any oath to do equal and impartial justice between parties concerned, we do assure your Lordships that the Members who compose that Court in this Island, before they can be admitted to sit, to hear and determine matters, doe first take an oath to the purpose above-

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mentioned in pursuance of an Act of this Island appointing an oath to be taken by all such as by the Laws of this Island are or shall be impowered to hear and determine writs of Error and Petitions of Grievances and all other matters of equity whatsoever. We also received a Memorial some time since which was presented to your Lordships by Mr. Hodges against Mr. Chilton, H.M. Attorney General of this Island, to which he has not yet given in his answer, but has promised to deliver it in very suddenly, and shall take care to forward it to your Lopps. with all convenient speed. Inclosed is a copy of a letter, the contents whereof is sworne to by one Andrew Barnes, who was lately sent down to Martineco to get what intelligence he could. *Signed*, John Farmer, President, Geo. Lillington, Geo. Andrews, Wm. Sharpe, Pat. Mein, Michaell Terrill, David Ramsay, Tob. Frere, Rd. Scott, Thomas Merrick, Saml. Cox. *Endorsed*, Recd. 10th, Read Aug. 11, 1702. 4 pp. *Enclosed*,

504. i. Abstract of preceding.  $1\frac{1}{4}$  pp.

504. ii. Copy of the Order of the Procession in Bridge Town, May 18, 1702, on occasion of proclaiming H.M. Queen Anne. *Endorsement as letter*. 1 p.

504. iii. Copy of Petition of Nicholas Churchill to the Council of Barbados to be discharged from prison or to be sent to England, he having been discharged from Newgate by virtue of a bailable warrant signed by H.M. and directed to the Keeper of Newgate, which aforesaid warrant the Keeper did retain for his security of the Petitioner, the other six men condemned with Petitioner being discharged on the aforesaid warrant and now in some parts of America. *Signed*, Nicholas Churchill. *Endorsed as preceding*.  $1\frac{1}{2}$  pp.

504. iv. *Memorandum* of Minutes of Council of Barbados, Nov. 20, 1701—Feb. 19, 1702.  $\frac{1}{4}$  p.

504. v. *Memorandum* of Minutes of Council of Barbados, Feb. 14, 1702—May 19, 1702.  $\frac{1}{4}$  p.

504. vi. *Memorandum* of Journal of Assembly of Barbados, Nov. 18, 1701—April 22, 1702.  $\frac{1}{4}$  p.

504. vii. *Memorandum* of Acts of Assembly of Barbados, Nov. 17, 1701—March 10, 1702.  $\frac{1}{4}$  p.

504. viii. *Memorandum* of Acts of Assembly of Barbados, March 1702, April, 1702.  $\frac{1}{4}$  p. [C.O. 28, 6. Nos. 60, 60.i.—viii. ; and 29, 8. pp. 128—136.]

[May 19.] 505. Copy of Deposition of Jacob Boditt, etc. [See *Cal.* 1699, No. 877.i. (4).] 2 pp. *Annexed*,

505. i. Corroborative affidavit of Mathew Birch. *Copy*.  $\frac{1}{2}$  p. *Endorsed*, Recd. from Col. Quary. Recd. Read May 19, 1702. [C.O. 5, 1261. Nos. 97, 97.i.]

[May 19.] 506. Copy of Deposition of Robert Webb, late Collector of H.M. Customs in Philadelphia, April 2, 1698. Under a warrant of Governor Markham, Nov. 6, 1696, for seizing the *Loyal Factor* of New York, then at anchor before Newcastle, for having taken

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some enumerated commodities without having given Bond according to the Act, Deponent went on Board and found a quantity of tobacco, and thereupon seized the vessel and appurtenances, and brought her with great expense, difficulty and hazard to the Port of Philadelphia. Two or three days after, without his privity, the brigantine, without trial or hearing, was discharged, and the men Deponent left on board turned ashore by the Governor's order, as Deponent believes, for when he asked the Governor the reason, he replied that he had ordered security to be taken for the vessel, and received better information from the Master in that behalf, and accordingly the vessel returned for Newcastle to complete her loading and proceed her voyage. *Endorsed*, Reed. from Mr. Randolph. Recd. Read May 19, 1702. 2 pp. [C.O. 5, 1261. No. 99.]

[May 19.] **507.** Matth. Birche to [? Col. Quary]. Newcastle, Delaware, Aug. 17, 1699. [See *Cal.* 1699. No. 877.i.(6).] *Copy.* 2 pp. [C.O. 5, 1261. No. 98.]

May 19. **508.** William Popple to William Penn. The Council of Whitehall. Trade and Plantations, since your being with them this morning, have further ordered me to desire you to be prepared against the meeting appointed for Thursday morning next, to answer the following queries:—1st, Whether all persons, in judicial or any other offices, in Pennsylvania and the three Lower Counties, do take the oath directed by the Law of England, or the affirmation allowed to Quakers? 2d, Whether all persons, who in England would be obliged, and are willing, to take an oath in any publick proceedings, are permitted so to do in Pennsylvania? 3d, At what rate pieces of eight do go in Pennsylvania; and the reason why they are advanced above the rate current in her Majesty's other Plantations? [C.O. 5, 1289. p. 475; and (*copy of queries only*,  $\frac{3}{4}$  p.) 5, 1233. No. 34.]

May 20. **509.** J. Thurston to William Popple. Money is now ordered for the pay of the Company at Newfoundland and their clothing, but not any for fire and candle, or for medicines, as directed by the Queen in Council. I humbly pray the Lords Commissioners' directions to whom the money is to be consigned, Mr. Huxford having declined to meddle any more with it, and my Lord Ranelagh refusing to depute any other person. I pray also that the convoy may have orders to take the money and cloathing on board. *Signed*, J. Thurston. *Endorsed*, Reed. Read May 20, 1702. *Addressed*. 1 p. [C.O. 194, 2. No. 78.]

May 20. **510.** Earl of Nottingham to the Council of Trade and Whitehall. Plantations. The Queen having been pleased to appoint Francis Nicholson to be Governor of Virginia, Nathaniel Blakiston to be Governor of Maryland, Christopher Codrington to be Governor of the Leeward Islands, Benjamin Bennet to be Governor of the Bermudas, Joseph Dudley to be Governor of New Hampshire and the Massachusetts Bay, the Lord Cornbury to be

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Governor of New York, and Sir Bevill Granville to be Governor of Barbados, you are to prepare the draughts of their Commissions and Instructions. *Signed*, Nottingham. *Endorsed*, Recd. Read May 21, 1702. 1 p. [C.O. 323, 3. No. 128; and 324. 8. p. 158.]

May 20. **511.** Journal of Council of Trade and Plantations. Letter from Mr. Thurston, relating to the pay, etc., for the soldiers at Newfoundland, read. He was told that this Board are of opinion he may consign the money, which is to be sent thither, to Capt. Richards, who now commands the Company, or in case of his death or absence, to Lieut. Lloyd; that as to what is wanting for fire, candle and medicines, he ought to prepare a short memorial, and desire Mr. Lowndes to lay it before the Lord High Treasurer, and as for Orders to the Commodore to take in the clothing and money to be sent, he ought to apply to the Lord High Admiral by Mr. Burchet.

Orders of Council, May 14, upon the 4½ p.c., read.

Letters to the Governors of Barbadoes and Leeward Islands thereupon, with Representation, agreed upon and signed.

May 21. Letter from Sir Thomas Lawrence, Annapolis, Dec. 8, read. Mr. Penn attending to desire their Lordships' excuse that he could not attend the Board this day, and signifying that he would attend to-morrow, Col. Quary was acquainted therewith, and a meeting appointed for their further hearing.

Letter from Isaac Addington, March 10, read, and papers enclosed laid before the Board.

Letter from the Earl of Nottingham, March 20, read. Direction given for preparing Commissions and Instructions accordingly.

May 22. Upon a message from Mr. Penn that he has been taken very ill with a fever, their Lordships appointed next Wednesday for a hearing.

Report from Sir John Cooke read. Directions thereupon given for preparing a Representation upon Mr. Clifford's case.

Letter to the Attorney General with reference to the oaths to be taken by Governors, etc., ordered. [C.O. 391, 15. pp. 38-44; and 391, 96. Nos. 91-93.]

May 21. **512.** Order of Queen in Council. Approving of Representation of May 18 (*quoted*), and ordering that a letter be sent to the Governor of Virginia from H.M. of the tenor proposed. The Lords Commissioners of Trade and Plantations are to prepare the draught of a letter accordingly, to be laid before H.M. at this Board for the further signification of H.M. pleasure thereupon. *Signed*, John Povey. *Endorsed*, Recd. Read May 27, 1702. 2½ pp. [C.O. 5, 1312. No. 35; and 5, 1360. pp. 178, 179.]

May 21. **513.** Deposition of Gibson St. Leger. Having been sick above four months, the first time he went abroad was yesterday, when he was going to Col. Granville's to desire his favour in behalf of

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his son, for some employment under Sir Bevill Granville. In all that time he has seen Mr. William Howard but once, in St. James' Park, in a chair. Mr. Conyers came once to his house during his sickness. He does not know the hand a letter was writ in, which was showed him by Mr. Ellis, nor the hand in which the superscription is writ, for Capt. Lewis Conyers, at the Rose Coffee House, Convent Garden, London. He does not know of any ill design against H.M. or her Government. *Signed*, Gibson St. Leger. *Taken by me*, Jn. Ellis. 1 p. [C.O. 28, 38. No. 1.]

May 21.  
Whitehall.

**514.** Council of Trade and Plantations to the Queen. Enclosing draughts of Letters to the Governors of Barbadoes and the Leeward Islands, in accordance with the Order in Council, May 14. *Signed*, Stamford, Robert Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

514. i. The Queen to the Governor of the Leeward Islands. St. James's. May, 1702. Whereas we have thought fit to give particular directions for applying the duty of  $4\frac{1}{2}$  per cent. in our Charibbee Islands towards the repairing and erecting fortifications, and other public uses for the safety of our Islands, and being sensible that the said Duty will not in any sort be sufficient for compleating and keeping in repair all the Fortifications, and for the other public services necessary for the safety and welfare thereof, we do hereby signify to you our Royal will and pleasure, that you therefore propose to the General Assemblies of our Islands under your Government the continuing of the public levies, which they have formerly been accustomed to raise for the fortifications and other the public services of those Islands. [C.O. 153, 7. pp. 440, 441.]

May 21.  
Whitehall.

**515.** Council of Trade and Plantations to the Queen. Enclosing draught of following letter. *Signed*, Stamford, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

515. i. H.M. the Queen to the President and Council of Barbados. Whereas we have thought fit to give particular directions for applying the duty of  $4\frac{1}{2}$  per cent. in our Carribbee Islands towards the repairing and erecting fortifications and other publick uses for the safety of our said Islands, and being sensible that it will not be sufficient for completing and keeping in repair all the fortifications, and for the other public services necessary for the safety and welfare thereof, we do hereby signify to you our Royal will and pleasure that you therefore propose to the Assembly the continuing of the public levies which they have formerly been accustomed to raise for the fortifications and other foresaid publick services of that our Island. [C.O. 29, 8. pp. 31-33.]

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May 21.  
At the house  
of Mrs Sarah  
Trott in  
Hampton  
Towne.

**516.** Minutes of Council of Bermuda Proclamation of H.M. Queen Anne, for continuance of Officers until Her Majesty's pleasure be knowne read. Ordered that the Captains of the several Companies give public notice of their respective places of their rendezvous, that all persons may know where to appear upon occasion.

Ordered that in every cause, which by the motion of either Compt. or Deft. shall be referred from the day appointed for hearing, that such person on whose behalf such reference shall be allowed shall pay and allow unto the other party for his charge four pieces of eight within ten daies, or an attachment to be issued out. [C.O. 40, 2. p. 46.]

May 21.

**517.** Minutes of Council of Virginia. H.E. laid before the Council a state of the Militia and asked their advice what was most proper to be done to make them most effectual, being he had observed at all the musters he had been at, that not one fourth of the men were armed for service, and also desired that they would consider of some method to secure the frontiers, since the House of Burgesses had refused to joyne in a Committee for making the Act for securing the frontiers effectual.

May 22.

The Council resumed the consideration of the state of Militia, and were of opinion that the same and the several papers now lying before this Board relating thereto be recommended to the consideration of the House of Burgesses.

Mr. Auditor Byrd reported on the case referred to him, of the *Potomack Factor* burnt before clearing, that the port duties were due, but might be remitted by the Governor upon the Master's petition.

The Vestry of Hunger's Parish in Northampton County writing to H.E. that they had received a letter from Mr. Commissary Blair that Mr. Peter Collier (their minister) insisted on his trial, and that they were ignorant of the proceedings of such trials, but owned the Governor as supreme under the King both in Church and State, H.E. acquainted John Custis, one of the Vestrymen, with his Instructions in that matter, holding that it did not lie before him, but hoped Mr. Commissary Blair would do his duty therein.

Mr. Auditor Byrd laid before the Council an account of several extraordinary charges paid out of H.M. Revenue since April, 1700, amounting to 580*l.* 14*s.* 10*d.*, and also represented that H.M. Revenue was in arrear 200*l.* in April, 1699. On consideration that in case of war no ship can be expected next year, whereby the Revenue of 2*s.* per hhd. appointed to pay the annual salaries and contingent charges of the Government, will prove deficient, it was thought fit to be represented to the Treasury and Council of Trade that the above sum of 780*l.* 14*s.* 10*d.* and also 1,487*l.* 6*s.* 3*d.* paid Sir Edmund Andross out of the said Revenue by warrant from the Treasury may be transferred to the accounts of the quit-rents.

David Menestrier, a blacksmith and one of the French Refugees inhabiting at Luciana, granted leave to take what

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coales he shall want for his forge out of the coal mines lately discovered there.

May 23. Warrant signed for apprehending the seamen of the *Potomack Factor*, lately burnt, and securing them for H.M.S. *Southampton*. [C.O. 5, 1409. pp. 220-222.]

May 21. 518. Minutes of Council in Assembly of Virginia. Message from the Burgesses excusing the absence of Mr. Treasurer Carter.

Message from the Burgesses that it is not convenient to proceed upon the Revisal of the Laws this Session.

The Burgesses refused to join in a Conference with the Council to consider of the most proper methods for rendering the Acts for cohabitations more effectual.

Petition of the French Refugees desiring leave to take up land referred to the Burgesses.

Petition of Hill Drummond of Accomack County referred to the Burgesses.

May 22. State of the Militia considered. Message sent to the Burgesses:— No man doubts of the certainty of a war being intended with France. There are only 10,000 odd Militia, which were indeed a considerable force, were they all duly armed and provided with ammunition, or could be drawn together in any competent time. Not one fourth of them is suitably armed. They live at so great distance from one another, and have so many rivers and creeks to pass that it will be very difficult to get any competent number together. H.E. and Council think themselves obliged to put the Burgesses in mind of the defenceless condition of this country, and doubt not they will provide it with arms and ammunition, and take some method for the more convenient transportation of forces over rivers and creeks. H.E. herewith sends the votes of the House of Commons in England, whereby it appears they have provided everything as if there were an actual war.

Message sent to the Burgesses, that whereas some disputes have lately happened between the inhabitants of the Eastern Shore and those of Maryland concerning some lands lying on or about the provisional line running between the two countries, and at the last General Court in April a Patent having been presented to be signed by H.E. to Mr. Francis Makenny and others for a tract of land lying on the Eastern Shore, a caveat was entered by Col. Charles Scarborough, for the said Patent encroached upon the right of the inhabitants of Maryland, and there being also a petition presented by Hill Drummond complaining of a forceable entry committed by John Pope, of Somerset County in Maryland, upon a certain Plantation of which Drummond hath patent, and payeth quit-rents, H.E. and the Council recommend the same to the Burgesses, that care be taken to protect H.M. subjects of this Colony in their just right and properties, to assert H.M. right to the quit-rents, and that the bounds between this Colony and Maryland be ascertained in order to remove all manner of differences that may be occasioned for the future on that account.

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Several petitions referred to the Burgesses.

William Bassett, elected Burgess for New Kent County, refused to take the oath to King William, being fully satisfied he is dead.

May 23.

Petition of John Walter and an assignment by Dionisius Wright referred to the Burgesses.

Ordnance of Assembly for setting the dividing lines between the Counties of Isle of Wight, Surrey and Charles City, and Nansemond on the South side the Blackwater Swamp, was sent up, and agreed to with amendments. The Burgesses agreed to the amendments. [C.O. 5, 1409. pp. 588-597.]

May 21.

**519.** Journal of House of Burgesses of Virginia. Mr. Treasurer Carter's absence excused. Ordered that he send in his accounts made up as far as he can.

Grievance from Henrico County rejected, concerning the hunting of wild hogs, the Committee for revisal of the Laws having already made provision against hunting and ranging upon other people's lands.

Grievance from James City County, praying that some speedy remedy may be had for the prevention of the daily and frequent pressing of horses in and about the City of Williamsburgh, referred for consideration next Session.

Ordered that a Bill be prepared for the Division of Charles City County, in accordance with a grievance from that County.

Resolved that it is for H.M. service and the interest of this country that the land on the south side Blackwater Swamp be laid open, that the same may be surveyed and patented as usual.

Upon another proposition by Charles City County that the late line run as the dividing line between it and Surrey County be altered, resolved, that a perpendicular be raised upon the Blackwater Swamp being reduced to a strait line and the lines run parallel to that perpendicular from the Head of the Bounds of each County formerly settled to the Black Water Swamp for the dividing line of each County backwards.

H.E.'s propositions of May 18 concerning seamen were referred to the consideration of the next Sessions of Assembly.

Resolved, upon a proposition from Capt. James Moody, concerning a careening place at Point Comfort, that it is a duty incumbent on the Commander of H.M. ships, and no concern of this country. It is the opinion of this House that the annual charge proposed for maintaining the said careening place and works there done far exceeds the charge of the work itself.

Several Claims referred to Committee. *And see preceding abstract.*

May 22.

*See preceding abstract.*

Resolved that William Byrd is duly elected a Burgess for King and Queen County, and that the Sheriff, John Walker, made an imperfect return upon the writ, and be sent for in custody of the Messenger to amend it.

Petition of Mr. Catlets for allowance for taking the lists of the Militia was rejected.

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Bill concerning publishing News read a first time.

Bill for dividing Charles City County read a first time.

Bill, prohibiting Masters of Ships running away when embargoes are laid, read a first time.

Ordinance for settling the bounds of Isle Wight, Surrey, Charles City and Nansemond Counties agreed to.

Robert Beverly and Mr. Poland granted leave of absence, upon extraordinary occasions.

The Committee of Public Claims reported that some of the Proprietors of the Land laid out for the City of Williamsburgh have refused to accept the money allowed them for the said land.

May 23. Ordered that the matter be referred to the Committee for the Revisal of the Laws for some effectual course to be taken to confirm such land.

Ordered that the bounds and quantity of land to be allowed for the French settlement at the Manakin Town be ascertained, according to H.M. letter of March 18, 1699. As to the number that may conveniently be permitted to settle there, the House submitted it to H.E. and Council.

Resolved, that such of the Refugees as settled at Manakin Town should hold their lands as the rest of H.M. subjects in this Colony and Dominion do.

Consideration referred to next Sessions of Assembly of H.E.'s recommendation to the House [May 22] to assert H.M. right to the quit-rents on the Eastern Shore, and that the bounds between this Colony and Maryland may be ascertained in order to remove all manner of differences that may be occasioned between the two Governments for the future.

Upon the recommendation of H.E. and Council as to the Militia, etc., resolved, that since the last returns of the Militia Lists, there has been great quantitys of arms and ammunition brought into this country, so that it is believed there is sufficient therein for the present defence thereof, yet notwithstanding it is conceived worthy the consideration of the next Session of Assembly to make further provision for the settling the whole Militia of this country.

Consideration of the proposal, that some method be taken for the more convenient transporting of forces over rivers and creeks as occasion shall require, also referred to the next Session.

Bill, to prevent Masters of ships running away after embargoes are laid, was read a second time and committed.

Petition of several inhabitants of the head of the southern branch precinct of Norfolk County, living betwixt the great Bridge and the North-West River, praying that the Road formerly cleared there, may not be turned, rejected, the petition not being attested as the Law directs. The inhabitants may have relief in the County Court.

1,500/lb. of tobacco ordered to be apportioned to Timothy Leedale out of the account allowed to Dionisius Wright, upon the latter's petition.

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Petition of John Gladwin referred to the next Session of Assembly. *And see preceding abstract.* [C.O. 5, 1408. pp. 388-407.]

May 22.  
Whitehall.

**520.** William Popple to the Attorney General. The Lords Commissioners for Trade and Plantations have ordered me to send you the enclosed extract of his late Majesty's Commission to the Governor of Barbados, relating to the oaths to be taken by him and others, upon their entrance into their respective places, and to desire you to make such alterations therein, or additions thereunto, as are requisite, in pursuance of any Act of Parliament since passed, or now passing, relating to H.M. Plantations: that the same so perfected may be a model to them (*mutatis mutandis*) for the Commissions and Instructions of all other Governors, wch. are now to be despatched. [C.O. 324, 8. p. 159.]

May 25.

**521.** Minutes of Council in Assembly of Virginia. There being only two members in attendance, H.E. adjourned the Council till to-morrow.

May 26.

Message sent to the Burgesses, that whereas this year's public levy must necessarily be greater than what it hath usually been by the concurring charge of two Assemblies, and the number of tithables being in all probability very considerably increased since the last list was taken, H.E. and Council think it expedient that the levy should be laid by a new list of the tithables to be taken this year, and propose that the Assembly should make an Ordinance accordingly.

The Burgesses sent a message in reply to such of H.E.'s propositions as were not already answered:—The proposal for preventing the publication of false news is referred to next Session. We have prepared a Bill for preventing ships running away after embargoes are laid. Proposals of May 18 concerning seamen referred to next Session. Capt. Moodie's proposition concerning a careening place at Point Comfort rejected as involving more expense than the work itself. As to the settling of the Chickahominy Indians' land, we are of opinion that the two Herring Creeks and the Mattapany River be the bounds for the three sides of the Chickahominy Indians' Land, if the Creeks run so far, and that for laying out the three miles from the Town backwards, the Surveyor make his centre in the middle of the line of cabbins w[h]ere the said Indians were seated. As to the French Refugees' bounds and the quantity of land to be allowed for the French Settlement at the Manakin Town and parts adjacent, we are of opinion that the same be allowed and ascertained according to H.M. letter, March 18, 1699. As to what number of Refugees may be conveniently permitted to settle at the Manakin Town, we submit the same to your Excellency and the Council. As to how such as settle there can be qualified to hold the land and what may be the easiest way to ensure the same to them, we are of opinion that they

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shall hold their said lands as the rest of H.M. subjects in this Colony do.

We have referred the matter of the Proprietors of land at Williamsburgh to the Committee for the Revisal of the Laws, for an effectual way to confirm the said land to the Trustees of the City. We have referred to the next Session the question of the quit-rents on the Eastern Shore and the bounds between this Colony and Maryland.

Since the last returns of the Militia Lists, there has been great quantity of arms and ammunition brought into this country, so that it is believed that there is sufficient for the present. Yet we are of opinion that it is worthy the consideration of the next Session of Assembly to make further provision for the settling of the whole Militia of this country. But lest between this and then any extraordinary emergencie should happen in a time of recess, upon such an accident, without the charge of a standing force, we leave it to your Excellency till next Session of Assembly, with advice of the Council, to levy suitable and competent forces, to be paid by the public, and to disband the same again as the cause of danger ceases, and desire the Council's concurrence in this particular. As to the transport of forces, we have referred the consideration of that matter to the next Session of Assembly.

Bill to prevent Masters of ships running away after embargoes are laid, sent up, was read a first time.

Ordinance of the Burgesses sent up for a return of tithables to be made by July 20.

William Byrd, returned a Burgess for King and Queen County, refused to take the oath, etc., to King William on the ground that he was dead.

May 27.

Above Bill read a second time.

H.E. proposed to the Burgesses that the time for the return of tithables be limited to July 1st. They agreed.

Message sent down, agreeing to the Burgesses' proposal as to the levying of forces upon any extraordinary emergency, with some suggestions as to alteration of words defining such emergencies. The Burgesses agreed to the amendments.

[C.O. 5, 1409. pp. 597-606.]

May 25.

**522.** Journal of House of Burgesses of Virginia. Bill to prevent Masters of ships running away, etc., amended.

Bill concerning publishing news was read a second time and rejected. Ordered that the subject matter be referred to the consideration of the next Assembly.

May 26.

*See preceding abstract.*

Act to prevent Masters of ships running away, etc., read a third time.

Ordered, that H.E. be desired to issue his Orders to the respective Justices to return their lists of tithables to the County Court Clerks so that they may reach the Secretary's Office by July 20.

May 27.

Bill for dividing Charles City County read a second time. Benjamin Harrison (?) was heard in opposition to the Bill. The

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Bill was then rejected, and the consideration of the division of the County was referred till next Session.

Petition of James Taylor, in behalf of himself and other Free-holders of King and Queen County, complaining of an undue election of a Burgess, read.

*And see preceding abstract. [C.O. 5, 1408. pp. 407-417.]*

May 26.  
Jamaica.

**523.** Lt.-Governor Beckford to the Council of Trade and Plantations. Your Lordships were troubled with two of mine by the *Fowey*. Since we have the fatal advice from all parts except Whitehall of the death of H.M., and I am afraid we have no ground to doubt of the truth of so generall an advice, accompanied with so many circumstances. To be sure, the losse which this Island is likely to susteyne is not to be mentioned, and pray God grant that poore England may never feele it. When I had received confirmation of the sad news from Ireland and other partes, I ordered the Assembly to adjourn themselves for a month, hoping in the meantime that I might receive some commands from your Lordships or my Ld. Manchester, and I am not to mistrust but that an advice-boat was immediately dispatcht away for the Indies, tho' I am afraid it has met with some accident. Our Assembly is to bee sure dissolved of course, consequently, as I formerly signified to your Lops., the Additional Duty Act falls, and the Act for the quartering the officers and soldiers will soone expire, my Commission (which is now mort) will not empower me to call a new one, so that I must sitt downe and endeavour to keep things in the quiet posture they now are in, till we have farther news. The Assembly was in so quiett and good a temper when wee met last that I think I may positively say they were resolved to have complied with everything which should have tended to H.M. honour or his Island's security, and I hope I have no reason to mistrust the continuance of so good a disposition, whenever wee have power to meet again. I heare the Spanish Flota has left la Vere Cruz and are gone to the Havana, where I am afraid they will either meet with M. Chateau Renault's squadron, or he catch them, so that wee have reason to mistrust they will be obliged to make use of his convoy, and 'tis too much to be feared that they have already left the Indies, tho' a Spaniard from Cuba, who was forced in by bad weather, assured me that the merchants (*at Vera Cruz*) had received an express by a vessel despatched away for that purpose, with orders not to trust themselves with the French, and that the Spaniards were very apprehensive of the danger, yet I cannot think but that they must be obliged to comply.

We are apprehensive that Chateau Renault has left a squadron of men-of-war at Hispaniola, for our last sloop sent thither brought us word that there was at Leogane and the adjacent Ports 20 saile, and some of them tall ships: now we know they cannot be all merchant men, for five ships of any burthen are, I think, able to carry home all the growth and proceede of their Island. The Admiral is therefore resolved to goe up with his

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whole Fleet to learn their designes, which 'tis to bee supposed hee will soon know, whereof your Lordships shall have an account as soon as communicated to, etc. *Signed*, Pe. Beckford.

May 30. Since the above, the *Ruby*, returning from her cruise of the Coast of Hispaniola, brings certain advice that the French have in their ports there but one ship of warr, and nine merchants' ships, which is confirmed to[o] by several of our own People, who have been straggling up and downe there for three moneths, so that I suppose the Admirall will not thinke of goeing up till further advice from Europe. *Signed*, Pe. Beckford.

June 29. Your Lordships may perhaps ere this comes to hand have heard of the arrival of the *Tryall* sloop, Capt. Mathews, Commander, dispatch'd away by the Admirall; your Lordships may wonder at my not writeing by that opertunity, but I knew nothing of her design for England till within this weeke; for it was agreed between the Admiral and self that a sloop should be sent to learn whether Chateau Renault still remained at the Havana, or whether he and the Flota had proceeded for Europe, and as soon as he had brought us information, and that we could depend that the French fleet was still at the Havana, then it was resolved that a frigot should be immediately dispatched away, that, if it were thought advisable at home, a squadron might be sent out timely enough to intercept them, which wee were of opinion might easily be effected, the French being but slightly man'd and in no extraordinary condition. Now I suppose that sloop has received orders from the Admiral to get the best advice she could at the places which I proposed to him, and so has made the best of her way to England. By all that I can learn, the Flota has not yet left La Vere Cruz, Chateau Renault still expecting their coming to the Havana; and 'tis generally believed with us that they will not trust themselves under a French convoy, for tho' the King of Spain's orders are positive, yet it seems the merchants have received directions not to trust their money abroad, and that belonging to the King might be ventured, I should think, under a much smaller convoy.

We have lost four of our merchant ships, which designed thro' the Gulph, three cast away upon the rocks of Little Cayamanas, and one stranded upon the Jordeens; and 'tis reported by a sloop (who was informed so by the Spaniards) that the *Foy* [*Fowey*], with 15 or 16 sail of merchant ships under her convoy are taken and brought in by Chateaurenault into the Havana, that four French men-of-war belonging to his fleet were kept cruising off Cape Antonio and that they had orders to take all vessels belonging to either English or Dutch. If so, we have reason to be apprehensive, for those men-of-war, cruising there, must meet with every vessel that designs thro' the Gulph, but I hope all will prove but surmise, and that we have ground enough to mistrust the truth of that report; however, I have advised all ships, if possible, to go the Windward passage, and the Admiral has promised to convoy them far enough out of any danger, which we may apprehend in these parts. We have yet no news from your Lordps. or either of the Secretarys of State

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of the death of our late Sovereign, and we therefore conclude that the vessel dispatched away with that advice, and the orders for proclaiming our gracious Queen (whom God preserve) are miscarried, so that these two last Councils, the Board has unanimously press'd the proclaiming of her most sacred Majesty, which we have accordingly done, and tho' we have yet received no orders from Whitehall, for the doing thereof, yet, when your Lordships are pleased to reflect on the urgent necessity, you will, I question not, excuse us, if we have been guilty of a mistake, and should you be of opinion we have committed an error, it will, I hope, be adjudged such a one, as will easily merit a Pardon. Our Law for the quartering of the soldiers is now at an end, and they will be in bad circumstances if no provision be made for them. The Assembly is, of course, dissolv'd, and all that we can now think of is to make what use we can of the Act of 7 and 8 Willm., by which all powers granted by the late King are made good for six months after his death, if not superceded during that time; and it's the opinion of the Council, Chief Justice and Attorney General that my Commission is still in force, and will empower me to call a new Assembly, which I am advised to doe, that in the little time we have left, we may make a Law for the quartering of them, and provide as well as we can for the security and peace of this Island. And I durst hope, nay say, that every one will endeavour to comport himself as becomes dutiful subjects and Englishmen, and then there will be no reason to mistrust any dissensions at our next meeting. I must beg leave to recommend to your Lordships the sending, with your first orders, a new Board Seal for this Island; if your Lordships shall not judge it necessary, you will be pleased to give orders for the making use of the old one. *Signed*, Pe. Beckford. *Endorsed*, Recd. 10th, Read September 11, 1702. 6 pp. *Enclosed*,

523. i. Abstract of preceding. 2 pp.

523. ii. Duplicate of letters of May 26 and 30 as above.  
3 pp.

523. iii. Minutes of Council of Jamaica, May 29, June 9, and 22. *Endorsed*, Recd. 10th, Read September 11, 1702.  
3 pp. [C.O. 137, 5. Nos. 68, 68 i.-iii; and (without enclosures) 138, 10. pp. 356-366.]

May 26. 524. Abstract of above letter. [C.O. 137, 41. pp. 2-4.]

May 26. 525. Lt.-Gov. Beckford to the Earl of Manchester. Jamaica, May 26, 30, June 29. *Repeats substance of above letter, relating to the movements of the French Fleet, etc.* *Signed*, Pe. Beckford. *Endorsed*, R. Sept. 10, 1702. 4 pp. [C.O. 137, 45. No. 6.]

May 27. 526. Lt.-Gov. Beckford to Mr. Secretary Vernon. Jamaica, May 27, 30, June 29, 1702. *Repeats substance of above letter, relating to the movements of the French Fleet, etc.* *Signed*, Pe. Beckford. *Endorsed*, R. Sept. 10, 1702. 3 pp. [C.O. 137, 45. No. 7.]

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May 26. **527.** Lt.-Gov. Bennett to the Council of Trade and Bermuda. 527. Lt.-Gov. Bennett to the Council of Trade and Plantations. By advice from the Governmt. of Barbados, May 7, I received the surprising unhappy account of the death of the King. I have taken all possible care for the preservation and defence of this place, by keeping constant look-out in every convenient part of the country, and I every week exercise the Militia, which is now brought into a regular discipline. *Refers to letter of April 28. Signed, Ben. Bennett. Endorsed, Recd. Aug. 31, Read Sept. 3, 1702. Holograph. 1 p. [C.O. 37, 3. No. 73; and 38, 5. p. 253.]*

May 26. **528.** Minutes of Council of Virginia. Express ordered to be sent to summon Col. Harrison to attend.

Capt. Thomas Warner, Commander of the *William and Orian* of Bristol, read, praying for a warrant to impress two of the seamen of the *Potomack Factor*, lately burnt. H.E. acquainted the Council that the seamen of the *Potomack Factor* had dispersed themselves, and that Capt. John West had given them passes for so doing, also that four or five seamen of the *Nicholson* had left her and lurked somewhere about West Point or Mattapeny, and that notwithstanding the several orders that had been issued from time to time for apprehending such vagrant seamen, the inhabitants did so conceal them that none of them could be apprehended, so that if the Assembly did not take care to remedy this growing evil by some Law it would prove of very bad consequence, or if any of the King's ships coming in here should want men, H.E. would be obliged to supply their land men from among the inhabitants rather than that H.M. service should be impeded.

Mary Williams of Nansimond County complaining that Wm. Hunter of the Lower Parish of Nansimond had sent a constable to her house and taken away her child and, contrary to law, bound him for twenty-one years, her petition was referred to the Justices of that County, for their report.

May 25. Capt. Thomas Warner moving for a warrant for seamen out [? May 27.] of the *Potomack Factor* or of the runaways from the *Nicholson*, and Capt. Moodie, so far from being able to spare him any from the *Southampton*, declaring that he was twelve short, and in case of war should want fourty more, and that several of his men had run away and were harboured in the country, and notwithstanding all the diligences he could use, they were so concealed and protected by the inhabitants that he could not find them, and that if care were not taken to prevent such evil practices he doubted many more would desert, and so he must be forced to impress seamen out of the vessels belonging to Virginia owners; it was referred to Mr. Benjamin Harrison to report whether there be any law in force for punishing seamen who desert, and how those who harbour, entertain or encourage them may be prosecuted.

May 28. Col. Harrison excused his absence yesterday on grounds of indisposition.

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Peter May, a French Refugee, setting forth that after his coming in here Daniel Brabant did promise to take care of him, but afterwards carried him to Court, and there bound him for five years and then sold him, and praying redress, the matter was referred to the Court of King William County.

H.E. asking the advice of the Council whether it is proper at this time to offer anything to the House of Burgesses concerning H.M. commands for assisting New York, and Mr. Auditor Byrd saying that he had not received any account of his son's negotiation in that matter, the Council were of opinion that it will be best to expect the answer to the Assembly's Address to H.M. before any further be moved therein here, and that the proposals for building a House for the Governor be also deferred till that time.

Naval Officers ordered to make up their accounts to June 24, and to render them to the Treasurer.

Upon reading the resolves of the Burgesses upon H.E.'s propositions concerning the French Refugees, M. de Sally and several French Refugees were summoned, and the said resolves read to them.

Leave was granted to M. Salomon de la Leu and other French Refugees lately arrived from England in the *Nassau*, to settle at Mankin Town with the same priviledge as those already settled there do enjoy. Ordered that they be acquainted that, in order to qualify them to hold the land allowed them, they must petition for naturalisation to the next Session of Assembly.

No offer having been made for the cargo sent in for the French Refugees, ordered that Mr. Auditor Byrd take the said goods at first cost according to the invoice, and keep the money in his hands till next meeting of Council.

Warrant to Cols. and Commanders-in-Chief of the Militia read and approved, instructing them to meet once every fortnight and return lists of men and arms, etc.

Warrant for return of a list of tithables approved. [C.O. 5, 1409. pp. 222-226.]

May 27.

**529.** Mr. Merrett and others to the Council of Trade and Plantations. You having so amply provided for making such a fortification at St. John's. Newfoundland, as may defend that part of the country against the enemy, we are encouraged to represent the great advantage, and truly the great necessity, of fortifying some harbour, which might protect the Fishery to the northward from Cape St. Francis to Green's Pond, which lies about 14 leagues to Northward of Bonavista, especially as there is affidavit made of about 45 sail of French ships, from 10 to 40 guns, gone this year with stone and material proper to make a fortification at Chapperouse [*Chapeau Rouge*], which lies about 20 to 30 leagues north of our Fishery, and will be the ruin of the same, except we have some fortifications thereabout.

We therefore propose the fortification of Trinity Harbour, which lies near Bonavista, and will contain 3 or 400 great ships, if occasion required, a draft of which was about two years since

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delivered the Admiralty or your Lordships by Capt. Cleasby. We propose that by the ships, which now may be going, some cannon and ammunition may be sent, which, being planted there this summer, may prevent such insults as may be expected from the enemy of Placentia. *Signed*, Solomon Merrett, Charles Houlton, Wm. Brooke, John Corben, Pinnell Phipard. *Endorsed*, Recd. Read May 28, 1702. 1 p. *Enclosed*,

529. i. List of necessaries for fortifying Trinity Harbour. *Signed*, Solomon Merrett. May 28, 1702.  $\frac{1}{2}$  p. [C.O. 194, 2. Nos. 79, 79. i.; and 194, 22. No. 1; and 195, 3. pp. 100-104.]

May 27.  
Whitehall.

530. Earl of Nottingham to the Council of Trade and Plantations. The Lords of the Committee refer Mr. Dummer's proposal for your opinion. *Signed*, Nottingham. *Endorsed*, Recd. Read May 28, 1702. 1 p. *Enclosed*,

530. i. Mr. Dummer's proposal for establishing a monthly intelligence between London and the Island Plantations in the West Indies, with a fleet of four vessels, to visit Barbados, Antegoa, Montserat, Nevis and Jamaica. Each vessel to be absent about 90 days. [C.O. 323, 3. Nos. 129, 133 (*Memorandum only*,  $\frac{1}{4}$  p.); and 324, 8. pp. 160, 161.]

May 27.  
Whitehall.

531. Journal of Council of Trade and Plantations. A person sent by Mr. Penn desiring in his behalf further delay of the hearing appointed for this day, their Lordships ordered the following Minute to be entred, and a copy thereof to be given to the said person:—Their Lordships having received several excuses from Mr. Penn for putting off the hearings appointed concerning the affairs of Pennsylvania, and having again this day heard the person sent by him for making a further excuse for three days, they have appointed Monday next at ten o'clock in the morning for hearing those matters; and in case he do not then attend, they think themselves obliged to proceed immediately upon their report to H.M. Col. Quary was acquainted with the appointment.

Order of Council, May 21, concerning the Quota, read, and directions given for preparing a letter accordingly.

Orders of Council, May 14, upon the petitions of Mr. Dockwra, etc., and of the other Proprietors of the Jerseys, read. Copy of the other's petition given to each, and Wensday appointed for a hearing. Mr. Dockwra and Mr. Sonmans also desiring that Col. Quary, Mr. Randolph, Mr. Bass and Mr. Joshua Barkstead may be summoned to attend at the same time, in order to make good the allegations in their petitions, the same was ordered accordingly.

May 28.

Solomon Merrit presented two Memorials, May 27, 28, which were read. He was requested to lay before the Board a particular draught of that harbour, together with a more perfect account of the intelligence hinted at relating to the French designs

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of fortifying Chapeau Rouge, which he promised to do accordingly.

Letter from the Earl of Nottingham read. Ordered that Mr. Dummer be desired to attend on Tuesday.

Order of Council, April 17, read.

Clause relating to Governors' oaths read and ordered to be inserted in the several Commissions and Instructions.

Ordered that Mr. Dockwra's petition of this date be communicated to Mr. Thomas Lane or Mr. Richier, and that notice be also given them that they may have summons for any witnesses they desire to have called against the hearing on Wednesday.

May 29.

Representation upon Jeronimy Clifford's case signed.

Representation about new seals signed.

A printed pamphlet on Capt. Hasket's affair having been sent to this Office, and a great part of it being found to be copies of papers already here, the same was sent to the Lords Proprietors of the Bahama Islands, with intimation of the readiness of this Board, so far as may appertain to them, to concur with them in remedying the disorders complained of. [C.O. 391, 15. pp. 44-51; and 391, 96. Nos. 94-96.]

May 27.

**532.** Minutes of Council in Assembly of the Massachusetts Bay. The following Representatives took the oaths appointed:—

County of Suffolk, Boston, Capt. Samuel Legg.

Capt. Andrew Belcher.

John White.

Capt. Samuel Checkley.

Roxbury, William Denison.

Dorchester, Samuel Robinson.

Dedham, Capt. Daniel Fisher.

Brantrey, William Veazey.

Milton, Capt. Thomas Vose.

Weymouth, Capt. Stephen French.

Hingham, Theophilus Cushing.

Medfield, Edward Adams.

County of Middlesex, Charlestown, Samuel Phips.

Cambridge, Capt. Thomas Oliver.

Watertown, Joseph Sherman.

Newton, Edward Jackson.

Woobourn, Major James Converse.

Concord, William Wilson.

Sherborne, Thomas Sawin.

Sudbury, Capt. Thomas Browne.

Maulden, Phineas Upham.

Reading, Major Jeremiah Swayne.

Medford, Peter Tufts.

Chelmsford, Nathl. Hill.

Bilrica, Capt. John Lane.

Marlboro', Capt. Henry Herley.

Framingham, John Haven.

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County of Essex, Salem, Josiah Wolcott.  
 Capt. John Turner.  
 Ipswich, Nehemiah Jewett.  
 Nathaniel Knowlton.  
 Newbery.  
 Lynn.  
 Marblehead.  
 Beverly.  
 Boxford.  
 Salisbury.  
 Andover.  
 Haverhill.  
 Wenham.  
 Topsfield.  
 Rowley, Capt. Joseph Boynton.  
 Gloucester, Capt. James Davis.  
 Bradford, Capt. David Hazeltine.  
 Aimsbury, John Kimball.

County of Plymouth, Capt. James Warren.  
 Marshfield, Isaac Winslow.  
 Situate, John Cushing, junr.  
 County of York, Kittery, Richard Bryar.  
 York, Abraham Preble, jr.  
 County of Hampshire, Springfield, John Hitchcock.  
 Northampton, Joseph Parsons.  
 Hadley, Daniel Marsh.  
 Hatfield, Eleazer Frarey.  
 Westfield, Jedediah Davey.  
 County of Barnstable, Barnstable, Major John Goreham.  
 Yarmouth, Thomas Sturgis.  
 Eastham, Joseph Doane.  
 County of Bristol, Bristol, Capt. Ebenezer Brenton.  
 Taunton, Robert Crosman.  
 Rehoboth, Edward Fobes.  
 Swansey, Daniel Allen.

They chose James Converse for their Speaker, and the Court then proceeded to the anniversary choice of Councillors.

May 28. *See following abstract.*

The following newly elected Assistants or Councillors were approved of by the Council:—

Of the Inhabitants or Proprietors of lands within the Territory formerly called the Massachusetts Bay: John Pyncheon, Wait Winthrop, James Russell, Elisha Cooke, John Hathorne, Elisha Hutchinson, Samuel Sewal, Isaac Addington, John Phillips, Jonathan Corwin, William Browne, John Foster, Peter Sergeant, Daniel Peirce, John Appleton, Penn Townsend, John Higginson, Andrew Belcher.

Of the Inhabitants or Proprietors of lands within the Territory formerly called the Colony of New Plymouth: Barnabas Lothrop, John Thacher, Nathaniel Thomas, Nathaniel Byfield.

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Of the Inhabitants or Proprietors of lands within the Territory formerly called the Province of Maine : Eliakim Hutchinson, Joseph Hammond, Benjamin Browne.

For the territory lying between the River of Sagadahock and Nova Scotia : Joseph Lynde.

Of the Inhabitants or Proprietors of Land within the Province at large : John Walley and Samuel Partridge.

21 of the above newly elected Councillors took the oaths appointed and subscribed the Declaration, etc. [C.O. 5, 788. pp. 335-339.]

May 28.

**533.** Mr. Sonmans and Mr. Dockwra to the Council of Trade and Plantations. *Summary of objections* against Col. Andrew Hamilton being Governor of the Jerseys. (1) As the Incendiary of the Provinces, by having set up a Quaker and factious party, to the great disturbance of the peace and opposition to the true loyal English interest, and for his zeal to the Quakers is at present, by Mr. Penn's Commission, constituted his Deputy Governor in Pennsylvania. (2) His arbitrary and unjust practices. (3) His encouraging and protecting pirates, and receiving money from them, particularly Merick and Elson, two of Avery's crew, who, with several others, lived under his Government unmolested, till afterwards seized by his successor. (4) His converting to his own use money which was raised by the Assemblies of both Provinces for the supply of Albany. (5) His encouraging illegal trade. (6) His governing without the Royal approbation, etc. Those who signed the petition on his behalf make not altogether above  $\frac{1}{3}$ th of the Proprietors of West Jersey, nor  $\frac{1}{6}$ th of East Jersey. Yet nevertheless, and contrary to their promise by their late Agent, Mr. Morris, they have clandestinely promoted the said petition, which most of the Proprietors, both of East and West Jersey, were wholly ignorant of, and those few who are since informed, being surprised, take this opportunity to disown, etc. *Endorsed*, Recd. Read May 28, 1702.  $1\frac{1}{2}$  large pp. [C.O. 5, 1261. No. 101; and 5, 1290. pp. 7-10.]

May 28.  
Whitehall.

**534.** William Popple to Sir Tho. Lane. Enclosing above and giving notice of the hearing what may be offered relating to Col. Hamilton being appointed Governor of New Jersey. [C.O. 5, 1290. pp. 10, 11.]

May 28.  
London.

**535.** Peter Sonmans and William Dockwra to the Council of Trade and Plantations. Asking permission to substitute the words *have already surrendered* for *are ready to surrender* in their petition. *See* May 14. *Signed*, Peter Sonmans, William Dockwra. 1 p. [C.O. 5, 1261. No. 100.]

[May 28.]

**536.** Draught of a Clause by Mr. Attorney General to be inserted in Governors' Commissions. (*See* May 22.) *Signed*, Edw. Northey. *Endorsed*, Recd. Read May 28, 1702. 2 pp. [C.O. 323, 3. No. 130; and 324, 8. pp. 162-164.]

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May 28.  
Patuxent.

**537.** Minutes of Council of Maryland. H.E. announced the death of the King and accession of Queen Anne. But since he had not received any directions in the matter from those in authority, he desired the opinion of the Council whether they should await them. "If I am not much mistaken, I take the enemys to the present Government, I mean the Papists, to be so few in comparison of the rest of H.M. good subjects here, that they are in no condition capable of promoting anything which may be of ill consequence in disturbing the Government, if we wait further directions. . . . If we should make any error in the form of proclaiming H.M., it may occasion great controversies in our Courts of Judicature," etc. It was the unanimous advice of the gentlemen present to wait, and that when instructions arrive, to convene the Assembly.

H.E. proposed whether it was advisable to embargo the shipping till the convoy daily expected arrive. The Council, not finding any directions in H.M. Instructions to do so, but in time of war or precaution from England, ordered that the Collectors and Naval Officers warn and persuade masters of ships to tarry for the convoy.

Proceedings of Governor and Council of Virginia read, proposing that the advice-boat *Eagle* should join the *Southampton* and cruise in the Bay to defend that Colony from the insults of pirates, etc. It being considered that the *Eagle* is but of little force, and this Board being sensible that upon the rumour of wars in Europe many sailors belonging to merchant-ships now upon sailing will be ready to desert, ordered that Capt. Bostock go down with the *Eagle* to Virginia to know if the convoy's arrived or when expected, and bring what advice he can get in order to preparing the ships here to join the convoy, and that he return to take care to keep the sailors in order and to carry the ships.

Capt. Thomas Smoot appointed Sheriff of Charles County, John Gressam, jr., Sheriff of Ann Arundel County, and Edward Talbott Sheriff of Baltimore County, upon the expiration of the present Sheriffs' time. [C.O. 5, 744. pp. 27-30.]

May 28.

**538.** Minutes of Council of the Massachusetts Bay. Thomas Burrington, master of a vessel belonging to the port of Boston, arriving this morning from Newfoundland and bringing with him the London Gazette and other papers confirming the sorrowful and awful tidings of the death of King William, and also the intelligence of the happy accession of the Princess Anne of Denmark (which had been more uncertainly reported several days since from divers parts beyond sea), Resolved that her Majesty be forthwith proclaimed and the House of Representatives acquainted with the intelligence. The House concurring, it was ordered that the Proclamation be published in Boston to-morrow, and that the several persons newly chosen Councillors or Assistants do take the oath of allegiance to her Majesty Queen Anne.

Ordered that 51 pieces of ordnance at the Castle and the ordnance at the South Battery in Boston be discharged to-morrow

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at performing the solemnity of proclaiming of her Majesty. Capt. Elisha Hutchinson ordered to have the Regiment of Militia in Boston in arms to attend the solemnity, and Capt. Crofts, H.M.S. *Gosport*, to discharge the ordnance of his ship, and to give directions to all Commanders of vessels in the road for their firing.

May 29. Resolve as to foregoing signed.

Information was given by John Chubb of Salem, fisherman, upon oath, that several fishing ketches of Salem being forced by bad weather to put in for shelter to Port Latour near Cape Sables, May 23 last, about break of day three of the said ketches were surprised and taken by a number of armed Indians (pretending they acted by virtue of a Commission from the Governor of Port Royal), who killed David Hilliard, master of one of the vessels, as he was endeavouring to escape from them with his vessel. Ordered that the Representatives be acquainted with this information.

According to the order of the Board, the Proclamation of H.M. Queen Anne was made and published as directed, and attended with acclamations of joy.

May 30. Upon a petition from the inhabitants of Dracut, setting forth that they are obliged to attend military exercises at Chelmsford, the next adjoining town, which, being several miles from their houses, is not only a great hardship to travel so far over the river Merrimack, but doth much expose their wives and children to the insolency of the Indians, ordered that they be discharged from that duty, and that Jonathan Tyng, Major of that Regiment, do appoint one of themselves to exercise them upon the place.

Upon a motion from the House of Representatives, it was resolved that a vessel be sent to Port Royal with a letter to the Governor there to inquire into the matter, and the grounds and reasons of the taking of the vessels referred to May 29. Nathaniel Byfield and Andrew Belcher were directed to provide a suitable vessel. [C.O. 5, 788. pp. 145-149.]

May 28. **539.** Minutes of Council in Assembly of New Hampshire. Bill for continuing duties, etc., read a second time.

May 29. The Representatives sent up a resolve that Major Wm. Vaughan be supplied with 20*l.* for his passage for England as Agent for the Province.

Committee appointed to run bounds between Town and Town, Dec. 3, 1701, made their report, which was approved of by the Council. Ordered that each of them be paid 3*s.* *per diem* out of the next rate.

Vote of the Representatives sent up that an Address and Memorial relating to the affairs of the Province be sent by the Lt.-Gov., Council and Representatives to his Majesty, as also a Commission for Major Vaughan to go Agent to England for the Province, to transact all affairs relating to the quota of men and money for New York, and the complaints made against the Provinces, which was approved of.

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Bill to continue several duties, etc., read a third time and, having passed both Houses, received H.E.'s consent.

May 30. John Cross, soldier at Fort William and Mary, ordered to be paid arrears of wages out of the first money that shall be raised by the Province for payment of such debts.

Charles Story ordered to be paid 6*l.* out of the first income of the River for his late extraordinary service done this Province.

10*l.* each paid Mr. Leverett and Mr. Dudley for help in the Province concerns.

Ordered that Capt. Mark Hankin be desired to accompany Major Vaughan to Boston and that the charge be defrayed.

Theodore Atkinson ordered to be paid 5*l.* 12*s.* out of the next Province rate.

Patience Atkins paid 5*l.*

Vote of the Representatives sent up that an Act be passed for raising 200*l.* in case Major Vaughan have occasion for it as Agent besides 300*l.* formerly granted to negotiate the affairs of this Province before H.M. in England.

The Representatives were summoned to a Conference.

Resolves of the Representatives sent up appointing Samuel Penhallow Recorder in place of Major Vaughan going for England, and desiring Major Vaughan to deliver over to him all the Records in his custody. Agreed to, with the proviso that Major Vaughan receive the Records again on his return.

An Estimate of the Province debts was sent down to the Representatives. [C.O. 5, 789. pp. 286-296.]

May 28. **540.** Minutes of Council in Assembly of Virginia. Several petitions referred to the Burgesses.

Bill to prevent masters of ships running away after embargoes are laid, sent up, was read a third time and assented to with some amendments and additions. It was sent down and the Burgesses agreed to the amendments.

May 29. The Burgesses desired that new writs might issue for the election of a Burgess for New Kent County in place of Wm. Bassett, and for King and Queen County in the room of Wm. Byrd, they having refused to take the oaths.

The Burgesses were summoned to attend H.E., who signed the Bill about the embargo, and an Ordinance of Assembly for settling the bounds between the Counties of Surrey, Isle of Wight, Charles City and Nansemond. H.E. signed his assent to that paragraph of the House of Burgesses' answer, March 26, wherein they leave it to him to levy competent forces, etc., and desired Mr. Speaker also to sign it, in order to give it the force of an Ordinance of Assembly. Mr. Speaker being doubtful, desired leave to advise with the House, and withdrew. Upon returning, he signed the paragraph in accordance with the directions of the House. H.E. said that the House of Burgesses having referred so many things to the next Session, and the men-of-war being dayly expected, he had thought fit to prorogue the Assembly no longer than June 18, and hoped they would all be present then, because he believed he should receive orders from

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England, which would require their meeting at that time.  
[C.O. 5, 1409. pp. 606-609.]

May 28. **541.** Journal of House of Burgesses of Virginia. *See preceding abstract.*

May 29. *See preceding abstract.* [C.O. 5, 1408. pp. 417-419.]

May 29. **542.** Council of Trade and Plantations to the Queen. We have examined the case of Jeronimy Clifford [See April 21, May 16]. The damages suffered by him at Surinam cannot be ascertained here, nor any perfect state of his case settled without hearing his adversary's, who are subjects of the States General, and do not reside within your Majesty's dominions. He has us'd many endeavours to procure redresss in Holland, and has been divers times assisted therein by Memorials from his late Majesty at the Hague, yet has not been able to obtain any. His sufferings have been great, and the hardships he complains of very pressing. We humbly offer that your Majesty would order his case to be transmitted to your Majesty's Envoy Extraordinary at the Hague, with directions to represent the same to the States General, and that at the same time his papers and proofs be likewise sent by one of your Majesty's principal Secretarys of State to your Majesty's said Envoy for his Instruction, in order to solicite a good effect and relief to the Petitioner. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwaite, John Pollexfen, Matt. Pryor. [C.O. 389, 40. pp. 133-135.]

May 29. **543.** Copy of an Address from the Lt.-Governor, Council and Representatives of New Hampshire to the King, accompanying the following Memorial. *Signed*, Wm. Partridge, Samll. Penhallow, Speaker. *Endorsed*, Recd. Read Aug. 10, 1702. [C.O. 5, 862. No. 113.]

May 29. **544.** Copy of the Humble Memorial of the Lt.-Gov., Council and Representatives of New Hampshire to the King. In reply to your Majesty's letters of Jan. 19, 170<sup>1</sup>. We are ignorant of any grounds for complaints as to spoil committed in the woods of this Province, no information of any such practice having at any time been given to your Majesty's Government here, wherein, had any such been, we should, to our utmost, have endeavoured to restrain and prevent the same. We have received no such complaints from Jahleel Brenton, your Majesty's Surveyor of Timber for the Navy, or his Deputy. There is no ground for such complaint, as will appear by Mr. Plaisted's certificate. Besides, timber proper for your Majesty's service is of so great value and so highly esteemed here, that no person, who have any such, would willingly spoil, embezzle or convert it to other uses.

We have exerted the utmost of our power in erecting and hitherto maintaining a fortification upon the great Island at the mouth of Piscataqua River, which we shall endeavour still to uphold and defend, though we are very much wanting of powder,

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and, by reason of our poverty, rendered very incapable of supplying ourselves, and if an attack should be made, we should be forced to call in our neighbours for our assistance, but we shall endeavour to be no more burdensome to them, as wee have never yet been, then absolute necessitie have required—and we have no other place upon our Frontiers to the Sea proper to build any other Fort. And as for the Inland parts of this Province, to erect any other fortifications, besides pallasading some principal houses within our several towns, would be a charge without the least prospect of advantage for the defence of your Majesty's interest.

The country round about us being so wide and so woody, that the enemy will easily avoid any fortified place upon our frontiers, and pass secretly and securely thro' the swamps or boggs into any of our towns, besides we are reduced to so extream poverty by the devastations that have been made upon us by the several wars that we have been engaged in by the salvages, and by the discouragements that our inhabitants, both Planters and Traders, have met with from the claims and pretences that have formerly been made upon us by Mr. Mason, and of late by Mr. Allen, to the Propriety of this Province, that we are utterly incapable of building and maintaining any other fortifications then the before-mentioned Fort.

As to the quota of assistance in men or money for New York, we are in duty obliged to represent that our obedience to your Majesty's commands herein will prove fatal to your Majesty's interest within this Province, this whole Province being a frontier either by sea or land, and we are much more exposed to an attack by sea than New York is, and if at any time they be in hazard, much more shall we, and if a war happen with France, we cannot but expect the Indians will break forth again and infest our towns, whereto they have a much more easy access than to Albany, this part of the country being much more thick and swamp than that is. Besides the inland frontiers of New York are strengthened with some of your Majesty's Foot Companies that there are constantly upon duty, and they have the Five Nations a barrier to them, who will be ready at all times to give them intelligence of the approach of an enemy, whereas this Province can have no notice of danger, but by our own scouts, which, in time of war, we are forced to keep constantly abroad. In the late war this Province was at vast expense for the preservation of your Majesty's interest, and by the devastation then made by the enemy, your Majesty's subjects are reduced to the depth of poverty, and by the loss of men are extreamly weakened, and as we are not able without the assistance of the Massachusetts Bay, our next neighbours, to have defended ourselves, so should a war again break forth, it would be impossible to maintain your Majesty's interest here without the aid of those our Neighbours. If therefore we should be liable to have any of our men (for we can't raise more than 7 or 800 men effectvie) transported to serve in another Province, we are sure that the persons and small remaines of the Estates of your Majesty's poor subjects here would be exposed to inevitable

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ruine, and your Majesty's interest, which is of no small import in this River, which is the only place for the supply of Masts for your Majesty's Royal Navy, must of necessity be totally destroyed and lost. *Signed*, Wm. Partridge, Saml. Penhallow, Speaker. *Endorsed*, Recd. Read Aug. 10, 1702. Received from Mr. Vaughan. 3 pp. [C.O. 5, 862. No. 115; and 5, 910. pp. 232-238.]

May 29.  
New  
Hampshire.

**545.** Certificate of Ichabod Plaisted, Deputy Surveyor of Woods of New Hampshire and the Massachusetts Bay, that, having at all times diligently viewed them, he never yet observed the least spoil or embezzlement of any timber fit for H.M. service. The Lt.-Gov. of New Hampshire has carefully endeavoured to prevent any such spoil in that Province. *Signed*, Ichabod Plaisted.  $\frac{3}{4}$  p. [C.O. 5, 862. No. 114.]

May 29.

**546.** Copy of an Address from the General Assembly of New Hampshire to the King. We, your Majesty's most loyal and dutiful subjects, having for more than 70 years been peaceably possesst of this part of your Majesty's territories in America, understanding that Samuel Allen, Esq., by virtue of a grant under Mr. John Mason, lays claim unto the same, and hath lately manifested and disturbed many of your Majesty's good subjects in the possession of their estates, and threatens to do the same to all the rest of the Province, implore your most gracious consideration of our case, and that whatever Mr. Mason formerly or Mr. Allen more lately may pretend by virtue of an old, imperfect grant, the designs and ends of which were never pursued by him, but only by us and our predecessors, who finding it a perfect Desart, did, under the protection and upon the encouragement of your Majestie's Royal Predecessor, plant and settle ourselves here, did with excessive cost and hard labour reduce the same to a tolerable support of ourselves and families, and lately with a vast expense of our estates and lives defended the same against the incursions of a barbarous enemie, who had otherwise reduced it to utter ruine and confusion, and have very much advanced the Trade of the Nation, and particularly supplied your Majesty's Royal Navy with Masts, neither of which ever was or could be effected by Mr. Mason, who indeed dispared of the same. And tho' in the first settlement of the country he sent a few servants to settle a Trade with the Natives for his own private proffit, yet in a very little while perfectly deserted the same and left it as much a wilderness as he found it. We pray to be continuued in the peaceable possession of our small estates and settlements, etc. *Signed*, Samll. Penhallow, Speaker. *Endorsed*, Recd. from Mr. Vaughan. Recd. Read Aug. 10, 1702.  $1\frac{3}{4}$  pp. [C.O. 5, 862. No. 116.]

[May 29.]

**547.** Articles of the People of New Providence, in Assembly held at Nassau, Oct. 5, 1701, against Elias Haskett, Governor, offered to the consideration of the Lords Proprietors and the Commissioners of Trade. Many and great have been the

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grievances and oppressions that we have groaned under from several former Governors for at least seven or eight years past, which with often and repeated supplications we addressed the Lords Proprietors for relief therein, who have not so much as taken notice thereof ; but, on the contrary, our original petitions and complaints, signed under our hands, have been brought back by the succeeding Governors, who have made use thereof to punish the persons petitioning, to terrify others to do the like for the future ; so that at present we are brought to that pass, that it is the greatest of crimes for the injured to complain. *Breviate of the sundry Articles, shewing the absolute and necessary cause and reasons of deposing and taking into custody Elias Hasket, late Governor of Providence.* (i) He hath denied the Country to allow their Minister his constant salary (and to that purpose made void, by his own power, an Act appointed for the confirmation thereof), which salary was raised by a duty on liquors and sugars imported ; and he, at his arrival, bringing a large quantity of both, was the cause and reason thereof ; and hath proceeded to villifie and defame the present Minister, a man of worth, threatening him to have him whip'd through the Town ; that by these means the Gospel hath not been preached, nor any ministerial function exercised amongst us for some months past. (ii) By his own arbitrary power he hath illegally taxed and imposed upon H.M. free-born subjects and inhabitants of this Government a considerable quantity of brazaletta-wood, the chief commodity of the country, to the value of three hundred and odd pounds, to be cut by them for his use as a present, which he saith ought to be given to him, but extorted from the poor inhabitants, denying all trade and commerce whatsoever till it was done. (iii) Such people as would not conform to these his unlawful and intolerable impositions, he immediately on any sham pretence puts into close prison, and in irons, where they were so strictly confined that their nearest friends and relations are denied either sight or conversation with them ; by which barbarous usage several persons have been forced for safety of their lives to ransom themselves by large sums of money, some 100*l.*, others 50*l.*, and so proportionable to their abilities. And all this done, both imprisonment and discharged, without any manner of process or colour of Law whatsoever, but by his own arbitrary power and command. (iv) He demands the  $\frac{1}{5}$ th part of all brazaletta-wood, cut for the use of the Lords Proprietors, contrary to all former Instructions given to any of their former Governors, as also the  $\frac{1}{6}$ th part of tortoise-shell (takes the same sum of the inhabitants) never before so much as demanded or thought of, to the great discouragement of the inhabitants to seek or labour for those commodities. (v) His Commission and Instructions being required by the Council to be perused and recorded, as is usually heretofore done, was by him denied. (vi) He imposeth excessive post [? port] charges on all vessels trading hither, contrary to all Laws heretofore made, both upon strangers and inhabitants, to the utter ruin of all commerce. (vii) He denies and makes void all Acts made in the time of

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the late Deputy Governor, yet on several occasions, where any Laws made to serve himself, will allow of them. (viii) Instead of calling of an Assembly for to enact new Laws or to confirm those heretofore made (which he calls illegal and void), he prevents all further meeting of the Assembly, and threatened the Speaker to shoot him through the head for speaking modestly in behalf of the Country on that occasion, proroguing and dissolving at his own pleasure; and when an Act against monopolizing was sent to him and Council from the Assembly for confirmation, he ordered it should not be read, but thrown from the Board, and immediately prorogues the Assembly for six months. (ix) With his own hands he beat and abused several Masters of vessels trading to this Port for only asking whether there was an Act of the Country for the exorbitant fees imposed on them. (x) He being modestly asked by some indifferent persons how such unreasonable fees and several fines could be imposed on persons contrary to Law? made this short but tyrannical answer, "There is no Law in your country; what cannot I do?" (xi) In a time of great scarcity for provisions, when the inhabitants were ready to starve, he monopolized a large quantity of corn, and disposed thereof to a Spanish and Portuguese ship, which was transported out of this Government, and he declared that if the said corn were not sold to him, the owners should not have the disposal of it. (xii) He demands from 6*l.* to 9*l.* for each licence to marry, and denies the bannes to be published in Church, by which means the honest intentions of several poor people may be in a manner forced to live disorderly and incontinent lives. (xiii) Notwithstanding H.M. Commissions granted to several persons here for the offices of Vice-Admiral, Judge and other offices of the Court of Admiralty, he hath constituted the said several offices by virtue of his own Commission, and in this, as well as in all other Courts of Judicature, acts by the same arbitrary power and authority, as by several examples are ready to be made appear. (xiv) To strike at the very root of Trade, he, from the very first of his coming into this Government intercepts accompts, bills of lading and all other papers of what nature soever, which he breaks open and detains as he thinks fit, and to that purpose imposed an unlawful oath on all masters of the vessels to declare and to deliver to him all letters they either bring in or carry out of the Government. (xv) What little trade remains in the Government, which daily decreaseth by the several illegal impositions therein, is all center'd in himself, no person being suffered scarce to ask the price of a commodity imported, before he hath refused to buy it. (xvi) To make appear what regard he hath to H.M. Officers and interest, he most inhumanly beats and abuseth H.M. Collector here, and orders him to be put in prison and irons, and his boat to be sunk whenever he went on board any vessels to execute his office. (xvii) After a seizure made of a parcel of claret and brandy, brought from the French port of Cape Francois on Hispaniola, he orders it to be appraised by two persons by him appointed for that purpose, at an inconsiderable value, and takes

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it all to himself, never suffering a public sale to be made thereof. (xviii) In a small time after, he hires a vessel himself, and gives orders to the Commanders and Company, privately, to cut a load of brazaletta wood amongst some of the Islands of this Government, and the same to carry to the French Port of Cape Francois, and there to be disposed of, and returns made to him in alamode silks, and other French goods, and privately to be landed in this Island. This sort of trading, so prejudicial to H.M. interest, he had laid a foundation to be continued so long as the Master and Company thought fit, and encouraged all the men to bring what goods they pleased for themselves. (xix) In Courts of Common Pleas, etc., he hath imposed double fees for all process and matters therein, and hath constituted one of his own servants Clerk of all Courts, and preposterously to act and plead as an Attorney also therein, denying any other, the whole profits of which fees coming to himself. (xx) Whereas most of the inhabitants have, and constantly have had sundry parcels of brazaletta-wood cut in several of the adjacent islands to bring to this port for trade and exportation, he hath, by many orders to that end to masters of vessels employed in his service, given instructions to take and load the same for his own proper use, which can be no ways better deemed than perfect felony. (xxi) In all matters of Government, he hath never consulted his Council, but by his own arbitrary power hath laid embargoes, put out proclamations, etc., and made it a high crime for any one to ask the reason thereof. (xxii) He hath taken up several persons on suspicion of piracy, on which account he made seizure and took into his custody all their effects, and after severe usage and strict confinement, being sufficiently harassed, hath sent them private notice what sum of money should purchase their freedoms, which, when paid, they have been discharged. (xxiii) By private letters to his friends in England, he gives account that he had not been in his Government two months and yet had got 2,000*l.*, and hoped by next spring to send home 10,000*l.*, which he might well do by his tyrannical ways, having not left 500*l.* running cash in the whole Island, several times declaring publicly that he would not leave one man in this Government worth 100*l.* before he had done with them; and in order thereto hath vilified and defamed the Inhabitants, as by his letter to the Council of Trade, July last. (xxiv) To put a fairer gloss on all his arbitrary ways, he appoints a General Muster Sept. 25, 1701, and having designedly drawn off the most substantial and sensible persons of the country, orders a great quantity of liquors to be given to the remaining part of the poor ignorant people, who having plentifully drank and intoxicated themselves, a paper was produced to them to be signed in the name of the whole country, the meaning of which was not mentioned, but only told there was no injury in it, but it was for the interest of the Government and refitting of the Fortifications, upon which about 20 or 30 illiterate persons signed it, without further examining. It was an Address to the Proprietors giving thanks for making choice of so good a Governor

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as Haskett, etc.: which poor deluded people finding how basely they were imposed upon, their hearts making their hands liars therein, are always ready to testify. These our present grievances we thought fit to lay before your Lordships, for some proper and speedy methods for our safety, by representing this to H.M. and Council, or Parliament, which your Lordships shall think most meet. . . . One great cause of the oppressions we have lately suffered under we have great reason to suppose was the unhappy arrival of Every here, together with the Dutch wreck, from both which the former Governors having gained a considerable sum, which hath made so great a noise in the world, that the succeeding Governors, promising to themselves the like success and being frustrated therein, have betaken themselves to all illegal and irregular ways to ruin the inhabitants to answer their own ends, which hath caused one remark to be made in this new settlement, never known in any other in America before, that for this seven years past, there hath not come from any foreign port above three families to settle here, that have brought the value of 50*l.* with them, and for no other reason than the avariciousness of our Governors, who have created a terror in those who have only come to take a view of our country, with a design to have settled among us. *Signed*, "The Council for the time being, Ellis Lightwood, President, John Warren, Speaker of the Assembly, Richard Taliaferro, Thomas Gower, Read Elding, Thomas Williams, Thomas Dalton, Nicholas David.

*Appended,*

547. i. Copy of Letter from Governor Haskett to a French Governor [*sic.?* of Hispaniola]. I have sent the bearer, who belongs to me, in this small boat, to advise your Honour concerning Trade, which if you and myself would secure, there is no dispute but it would be very profitable to us both. So desire you to send me in English a letter, by reason no person shall see it but myself, what will sell with you and the prices you will take the goods at, and also what you can furnish me with and at what rates. I have sent you a very small present, which is of the growth of this place, two cedar bedsteads. *Signed*, E. Haskett. City of Nassau, New Providence, Aug. 4, 1701. *Annexed*,

547. ii. Copy of Affidavit of Roger Prydeaux, Naval Officer Oct. 8, 1701, that the above was "writ by the late Governor Haskett's order by me, and signed by himself to the French Governor of Cape Francesway, to be sent in a sloop on Haskett's account."

547. iii. Copy of deposition of William Spatchers, Nov. 7, 1701. Master of a Sloop, the *Robert and Martha*, Aug., 1701, under the service of Governor Haskett, he then received orders from him to sail from Providence to some of the Bahama Islands, and there he cut a load of firewood, but these orders in writing were only to blind the world, for Governor Haskett did verbally order him to cut the sloop's loading of brazaletta-wood,

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and to carry it to Cape François, Hispaniola, the same to be disposed of there and the produce to be laid out in French commodities, as alamode silks particularly ordered, to be landed privately, short of this harbour; and that Deponent should in the night send the Governor word thereof; and that he would give him and company 50 *per cent.* advance. The Governor gave Deponent liberty to carry on this sort of trading as long as he thought fit.

547. iv. Copy of Deposition of Tabitha Alfoard. Nassau, Nov. 3, 1701. About Sept. 19, 1701, Deponent carried to Governor Haskett at his house 50*l.*, which was a bribe for enlarging Col. Elding, who was then a close prisoner and in irons; when Governor Haskett found it was not as much as he expected, he returned it to deponent, swearing that if Elding did not send him 50 pistols (67*l.* 10*s.*), he should not be released. Deponent, by order of Elding, was forced to go to Capt. George Graham to borrow the rest. Haskett was not contented with that sum, but told deponent that Elding must also send him a rich ring, and a piece of plate of value, which ring and a silver tankard was carried by deponent to Haskett for a bribe, and also some pieces of dry goods, and a set of gold buttons, and three gold drops.

547. v. Copy of deposition of Benjamin Griffin and Peter Corene, of the Company of the *Robert and Martha*. *No date.* *In confirmation of William Spatcher's deposition.* No. iii., supra. The Governor called the Master and Company of the sloop into his room and then declared to them the intent of the voyage. He said they need not fear the King's Collector, that old Rogue, as he called him, for he had him secur'd a prisoner in the Fort.

547. vi. Deposition of Capt. Cole, May 18, 1702. [See Feb. 17.] *The whole endorsed,* Recd. May 29, 1702. *The whole printed, London, 1702.* 17 pp. [C.O. 5, 1261. No. 102.]

May 29.  
Whitehall.

**548.** Council of Trade and Plantations to the Queen. Proposing that H.M. direct new Seals to be made for the Plantations. *Signed,* Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 324, 8. pp. 164, 165.]

May 29.  
Whitehall.

**549.** Council of Trade and Plantations to the Lords Proprietors of the Bahamas. Having received depositions, etc., of the people of New Providence against Elias Haskett, offered to the consideration of your Lordships and of this Board, we enclose the same, and are ready to concur with you so far as to us may appertain in the remedying of the great disorders complained of, H.M. service in those parts necessarily requiring

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some speedy care to be taken therein. *Signed*, Ph. Meadows, John Pollexfen, Wm. Blathwayt, Mat. Prior. [C.O. 5, 1290. pp. 12,13.]

May 29.  
[Written  
March 29.]

**550.** Minutes of Council of Barbados. Richard Forstall appointed Chief Baron of the Pleas of the Crown, and that new Commissions be got ready for the Judges of the several Courts.

Ordered that a Commission be prepared for holding the Grand Sessions on June 9, and that the Hon. James Colleton be appointed Chairman.

Ordered that duplicates of the letters sent *per* Capt. Warren be sent home with George Lillington.

100*l.* paid to James Hannah for the charges of the next Grand Sessions.

The Hon. George Andrews desiring suddenly to go off this Island, ordered that the Forts about Bridge Town do fire one round at his embarking, as is usual for a Member of Council.

12*l.* paid for additional men on Capt. Gilbert's sloop.

30*l.* paid to Andrew Barnes, for the use of his sloop *Charles*.

Complaint being made by John Brimsden, Searcher and Waiter of H.M. Customs at Speight's Town, that Jonathan Downes, Chief Judge of the Court of Common Pleas for the precincts of St. Peter's, had granted a writ of replevin directed to John Heywood, Marshal of the said Court, for two Casks of Muscovado sugar and 22 hhds. of ravell cotton, which he, Brimsden, had seized and lodged in H.M. Custom House, being unlawfully imported, ordered that Downes and Heywood appear before this Board on Wedn. next, and that in the meantime all proceedings in the said writ be stayed. [C.O. 31, 6. pp. 229, 230.]

May 29.

**551.** Minutes of Council in Assembly of the Massachusetts Bay. Two Councillors took the oath, etc., appointed. The Council attended the Proclamation of Queen Anne.

May 30.

The oath of allegiance to H.M. was administered to the Representatives. Declaration agreed to for issuing writs, etc., in the name and stile of Queen Anne. [C.O. 5, 788. pp. 339, 340.]

May 29.

**552.** Minutes of Council of Virginia. Warrants approved yesterday were signed by H.E.

The Assembly was prorogued to June 18.

May 30.

H.E. communicated to the Council the Orders he had received for proclaiming her Majesty Queen Anne.

Proclamation ordered thereupon appointing June 18 at the City of Williamsburgh as the date for that ceremony.

Copy of the Order of the Privy Council concerning the alterations to be made in the public prayers for the Royal Family ordered to be sent to the several parishes.

Whereas several very loyal and dutiful addresses have been presented to our most gracious Sovereign Queen Anne upon the death of H.M. and her accession to the Crown, and particularly one from the Lord Mayor, Aldermen and Commons of the City

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of London, ordered that a copy thereof be sent to the several Counties that the Civil and Military Officers form a suitable Address to H.M.

H.E. laid before the Council the letter from the Council of Trade and Plantations, March 16, 1701(2), which was referred till next Council.

Consideration of the most proper place for making up the fleet, as also of laying a general embargo, referred till next meeting of Council. [C.O. 5, 1409. pp. 226-228.]

31, 3m.  
(May).

**553.** William Penn to the Council of Trade and Plantations. By my letters to the Board I informed them that I had seized the value of 100 Arabian pieces of gold, amounting to about 40*l.* sterl. at most; this was seald up and put into the officer's hand till the King's mind was known, news of his pardon being about the country, which with De Hals pretences that the money belonged to him as his property left him by Bradenham the Pyrat, for fees as his Phisitian, I did not bring it over; this Bradenham sues me, as for a bond I seized belonging to him, so for this money to be payd here, that lies seald up at Philadelphia, on ye account of belonging to a Pyrat. I therefore humbly pray that a stop may be put to his impudent proceeding, being ready to deliver up his bond, and to give him an order to receive the sayd money of the Govermt., or I shall have affront and charge for my care and service to the Crown. *Signed*, Wm. Penn. *Endorsed*, Reed, Read June 1, 1702. *Holograph*. 1*½* pp. [C.O. 5, 1261. No. 103; and 5, 1290. p. 15.]

May 31. **554.** Order of Queen in Council. Ordering as recommended by the Representation of May 29, in the case of Jeronimy Clifford. *Signed*, John Povey. *Endorsed*, Recd. 11th, Read Sept. 15, 1702. 1 p. [C.O. 388, 75. No. 59; and 389, 40. pp. 148, 149.]

May 31. **555.** Order of Queen in Council. Ordering proper Seals to be prepared, to be sent to each of H.M. Plantations. The Lord High Treasurer to give the necessary directions for supplying the charges. The Council of Trade and Plantations to cause the Seals to be prepared to be laid before H.M. *Signed*, John Povey. *Endorsed*, Recd. Read June 8, 1702. 3*½* p. [C.O. 323, 3. No. 131; and 324, 8. pp. 166, 167.]

May 31. **556.** Order of Queen in Council. Approving Representation of May 21 and the drafts of letters to the Governors of Barbados and the Leeward Islands. The Earl of Nottingham to prepare them for H.M. signature. *Signed*, John Povey. *Endorsed*, Recd. 14th, Read Sept. 15, 1702. 1*½* p. [C.O. 28, 6. No. 61; and 29, 8. p. 218.]

May 31. **557.** Memorandum of Order of Council of 31st (sic) upon a Representation of May 21, approving drafts of letters to the Governors of Barbados and the Leeward Islands relating to the 4*½* p.c. *Endorsed*, Recd. 14th, Read Sept. 5, 1702. 1*½* p. [C.O. 152, 5. No. 6.]

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June 1.

**558.** Copy of an Act [of Pennsylvania] for preventing Clandestine Marriages. *Endorsed*, Reed. from the Bishop of London. Reed. Read June 1, 1702. 1 $\frac{3}{4}$  pp. [C.O. 5, 1261. No. 104.]

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Whitehall.

**559.** Council of Trade and Plantations to the Earl of Nottingham. The merchants and traders to Newfoundland having presented us with papers importing the great advantage of fortifying Trinity Harbour for protecting that Fishery to the northward, from Cape St. Francis to Green's Pond, which lies about 14 leagues to the northward of Bonavista, and further informing us that an affidavit is made of about 45 sail of French ships gone this year with stone and materials to make a fortification at Chapeau Rouge, which lies about 20 or 30 leagues to the N. of our Fishery, and will, as is alledged, be the ruin of the same, except we have some fortifications thereabouts, and the season being now come for the departure of the Newfoundland Convoy, we pray your Lordship to lay the matter before H.M., with our humble opinion that such a Fort as is proposed by the merchants would be of great security to our Fishery to the Northward in Newfoundland. But whether it may be advisable at this time of the year to send thither such a number of guns and quantity of ammunition as is proposed, without a Fort as well as a small garrison, which cannot safely be spared from St. John's, and which may be further considered of against the next year, is humbly submitted. But it will be very expedient that orders be given to the Commodore of the Convoy to direct a frigat or frigats to visit those parts, and the fortification which the French are said to be making at Chapeau Rouge, and to destroy the same, and any other French settlement they shall find there or elsewhere on Newfoundland, so far forth as may consist with his Instructions from H.R.H. the Lord High Admiral, and that the said Commodore do likewise cause a view to be taken of the ground proposed by our merchants for the building of a Fort, and bring a draught of the same, and report his opinion whether it may be proper, and what materials will be necessary to be sent from here, for the effecting thereof the next year, if it shall be found necessary. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Autographs*. 2 $\frac{3}{4}$  pp. [C.O. 194, 22. No. 2; and 195, 3. pp. 104-106.]

June 1.  
*Bredah*  
at Jamaica.

**560.** Vice-Admiral Benbow to Mr. Secretary Vernon. Since my last I have advice by a Spanish sloop come from Cuba and put into this place that on May 12 Mounsr. Shatternoe was at the Havanna with 26 French men-of-war, who daily waited the coming of the Flota from La Vera Cruise thither, expecting to convoy them for Europe. I have not strength to prevent them, neither have we provisions to proceed on such an undertaking. The Gloucester and Seahorse sailed May 25 for Cartagena with a letter to the Governor; one of the same tenor I sent to the Havanna, likewise intend another to the Vice-Roy of Mexico. Our men-of-war, which I advised in my former were cruising

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off of Logan, bring no news more then the confirmation of what the Spaniard says.

The Government of this Island now is entirely in the hands of the Planters, who mind nothing but getting estates, and when so to go off, having no regard to the King's interest or subjects, for at this time we can hardly get fresh provisions to support our sick, the ships and soldiers being a great burthen to them, as they say, and wish they had never come into these parts. The inhabitants are grown very rich, and value themselves for being Judges and Parties in making and executing their own Laws ; they do whatever the desire of gain leads them to without any regard to the Laws of our Country ; these violent proceedings cannot continue long ; if they do the Island must be ruined, not to be remedied but by conforming 'em to our English Laws, and they have a Governor who is neither Planter nor Merchant, but such as will propagate the King's interest and security of his subjects. If the Spaniards will put themselves under a French convoy, my humble opinion is that they will sail from the Havannah the latter end of this instant June ; I thought it my duty to signify this, and for its more speedy conveyance have dispatched the *Tryall* longboat therewith, that such measures as shall be thought most proper may be timely taken.

*Bredah at Jamaica.* June 30, 1702. Since my last, we have certain advice of the King's death, and Queen Ann's being proclaimed in England, which was also done here the 24th inst., and the evening preceding the memory of his late Majesty solemnized both by sea and land, since which all our officers have sworn allegiance to H.M., whom God preserve. We have no further account of the French at the Havanna, but have heard by a sloop which lately came from Petit-guava that there were four victuallers bound from thence to the Havanna, which gives room to believe that they are there still ; in order to intercept them have sent three men-of-war to cruise between Cape Nichols and Cape Mayers in the tract that leads that way ; and this day sails Rr. Admiral Whetstone with the ships in the margin [Canterbury, Dunkirk, Dreadnought, Bristol, Kingston, Hermon fireship] to intercept Mounsr. Ducasse, who, I hear, is expected at Port Lewis with four sail of men-of-war to settle the Assento at Cartagena, and to destroy the trade of the English and Dutch. Our ships I sent to Cartagena, as advised, are not yet returned ; thither I designe to goe in 5 or 6 days with the remaining part of the squadron, in hopes to meet with Ducass, if Rear Admiral Whetstone should not on the coast of Hispaniola, a coppie of whose orders are enclosed. Our men diminish dayly and ships' stores decay, which in a little time will in good earnest want a supply. We have as yet committed no hostilities on the French, nor they on us as I here, but have notice that they have proclaimed war with the Dutch, if so, I hope our interest are not separate. Here has not anything of moment offered since I received the Lords Justices' Orders, otherwise would not have failed in putting them in execution to the utmost of my power. This comes by H.M.S. *Scarborough*, who has been in these parts

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some time and requires to be at home, who brings with her the widdow of the late Governor Selwyn. Enclosed also is the circumstances of H.M. ships here. We have repaired the defects of the *Bristoll* for the present. Our men-of-war which sailed from hence May 25 with a letter to the Governor of Cartagena are not yet arrived, tho' two days since received by a sloop the enclosed letter from the Governor in answer to mine. Col. Bruer is dead. *Signed*, J. Benbow. *Endorsed*, R. Sept. 10, 1702.  $3\frac{1}{4}$  pp. *Enclosed*,

560. i. Copy of Orders from Vice-Admiral Benbow to Rear Admiral William Whetstone, H.M.S. *Bredah*, Nr. Port Royal, Jamaica, June 26, 1702. Whereas I am informed that Mounsr. Du Cass is suddenly expected at Port Lewis with four French men-of-war, and from thence is designed for Cartagena in order to settle the Assento as also to prevent the English and Dutch having any trade on that coast, you are hereby required and directed the first opportunity to sail with H.M.S. *Canterbury*, and take under your command the *Dunkirk*, *Dreadnought*, *Bristoll*, *Kingstone*, *Harman* fireship, and make the best of your way to Port Lewis, and cruise there for forty days not forty leagues to the eastward of the said Port nor to the westward of the East end of the Isle of Ash [? *Isle des Vaches*], nor further to the southward then that you may deserne ships that may pass between you and the shore. And in case you should meet with Mounsr. Du Cass you are to use your utmost endeavour to bring him to Jamaica, and treat him as an enemy, or any other French men-of-war you shall meet with that has any way obstructed or molested the quiet of our trade. And whereas it's not certain that war is proclaimed, in case you make yourself Master of any ships of this kind, etc., you are to suffer no imbezlements, as you will answer the contrary (that in case fact be not proved against them, they may be returned entire). *Signed*, J. Benbow. 1 p.

560. ii. Condition of H.M. ships at Jamaica, June 29, 1702. *Cf.* No. 333.i. *Signed*, J. Benbow. 1 large p. [C.O. 137, 45. Nos. 8, 8.i., ii.]

June 1.  
Whitehall.

561. Council of Trade and Plantations to the Earl of Nottingham. Enclosed is the form of a letter in behalf of Col. Morris which may not be improper for H.M. to sign. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

561. i. Anne by the grace of God, Queen, etc., We do hereby require all our loving subjects within our Colony of New Jersey to have a due regard to Col. Morris in his endeavours to preserve the peace and quiet of the Colony, upon the surrender that has been made by the Proprietors, until we shall give our further orders. [C.O. 5, 1290. pp. 13, 14.]

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June 1. **562.** The original of above letter from the Council of Trade and Plantations to the Earl of Nottingham. *Signed*, as above.

1 p. *Enclosed*,

562. i. *Memorandum* : That Col. Morris have a letter to look into the affairs of the Jerseys and to examine matters till a Governor be sent. *No signature.*  $\frac{1}{4}$  p. [C.O. 5, 980. Nos. 29, 29.i.]

June 1. **563.** Journal of Council of Trade and Plantations. Letter written to the Earl of Nottingham, relating to Newfoundland. Mr. Chamberlain from the Lord Bishop of London, presented a copy of the Pennsylvania Marriage Act. Copy ordered to be given to Mr. Penn.

Mr. Penn presented a Memorial relating to Bradenham, who was ordered to attend to-morrow.

Mr. Blathwayt signifying that the Earl of Nottingham desired the Board to consider the draught of a letter in behalf of Col. Morris, a draught was prepared and sent accordingly. Col. Quary and Mr. Penn attending, their Lordships proceeded in considering the abstract of Articles entered up, May 19. The third of those Articles, with Mr. Penn's answer to Col. Quary's reply, were read. Upon which Mr. Penn readily acknowledged that he had given Commissions to two Sheriffs to be water-baylifs, so that the question (he said) only remains whether that power did belong unto him or the Admiralty. Col. Quary offered that the Court of Admiralty is settled by the Act of 7 and 8 William III, and, at his desire, one of those Commissions (to Thomas Farmer) was read. He complained that not only by that, but by the general practice of the Government there, in bringing all trials relating to breaches of the Acts for Trade into the Courts of the Country, Mr. Penn had assumed all the powers of his Admiralty Commission, and that the intent of the aforesaid Act of Parliament was frustrated. In proof of their bringing those causes into their Courts, Robert Ashton's Letter to Mr. Penn, Dec. 17, 1701, was read, at his desire. He next shewed part of a letter from John More to himself concerning the favour shown by the Government of Pennsylvania to one Righton, Master of a vessel, who had been divers times concerned in carrying on illegal trade, and in testimony of Righton's practices of that kind, he appealed to Mr. Randolph and Mr. Basse here present, who confirmed the same, and particularly instanced his having formerly been brought up to Burlington in West Jersey, and there favoured in like manner by Col. Hamilton. Mr. Penn answered that he had advised with the best lawyers, and been told that the Commissions granted by him to water-bailiffs are within the powers of his Patent, and that in many cases the proceedings in pursuance of the powers given by Admiralty Commissions are reversible by Common Law. He therefore desired that Council on both sides, Civilians and Common Lawyers, may be heard, and the boundaries of these Jurisdictions fully settled, before any resolution be taken upon this head. He added that, notwithstanding his right, he had been so desirous of keeping

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faire with Col. Quary, that upon his first complaint he had recalled the Commission, so that no further Commission have been made upon it.

The 4th Article with Penn's reply was read. Col. Quary, after having referred to the Addresses of the Representatives of the Three Lower Counties, represented the necessity of a settled Militia from the example of all H.M. other Governments on the Continent of America, and said that without it the Country cannot be safe, either against pirates by sea, or the incursions of Indians or enemies by land. In confirmation, he laid the deposition of Robert Snead, Nov. 26, 1701, before the Board.

Mr. Penn replied that they are in no fear of an enemy by land, because the Queen's Colonies do lie between them and the French, and that the best security for all the Plantations by sea, as well against enemies as pirates, is shipping. And whereas it was objected to him that the Government of Pennsylvania had been restored to him upon condition that he should settle a Militia for the security of it, he absolutely denied that he ever made any promise to do so, but acknowledged that he promised to use endeavours towards the procuring a Quota of Assistance for New York, which he did accordingly and succeeded in it. As to settling a Militia, the Commissions given by Col. Fletcher were still in force, and before his coming away, he called several of the Captains before him, and asked them why they did not execute their Commissions.

The 5th Article and reply were read. Col. Quary affirmed that he himself was an eye witness of a great many strange Indians coming from Mr. Penn to desire a settlement in that Government, and that one of those Nations had formerly resided in the Government of Maryland, but complained that upon suspicion of their having killed some English, they had been unkindly used there, and that Mr. Penn replied that if they had been so guilty, he could not protect them, but if not, they should be welcome. Mr. Penn answered that all the several Nations of Indians here mentioned by Col. Quary do not in whole amount to 300, and referred to the Indenture of Agreement he made with them, and a letter from M. Le Fort.

Ordered that both parties attend on Thursday, to the further consideration of these matters.

June 2.

Mr. Brandingham [Bradenham] attending, said he desired Mr. Penn should deliver to him Mr. Portlock's Bond, and pay him the value of some Arabian gold of his, which was secured in Pennsylvania, or at least give him security for the payment thereof. He was ordered to attend Mr. Secretary Hedges and to receive his directions.

Mr. Attorney General's Report upon two Acts of Antigua, April and Aug. 1701, read. With regard to the second Act, it appearing that Mr. Cary has purchased the lands therein-mentioned, and executed a deed whereby he disclaims all benefit by the said Act in prejudice to any right that may be claimed under James Rolt other than by his heirs, ordered that he execute a duplicate thereof to be transmitted to Col. Codrington and

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registered in Antegoa as proposed by Mr. Attorney. [C.O. 391, 15. pp. 52-62; and 391, 96. Nos. 97, 98.]

June 1. **564.** Minutes of Council of the Massachusetts Bay. Letters to H.M. Governments of New York, Connecticut, Rhode Island, and New Hampshire, giving them an accompt of the intelligences received of the death of King William and the accession of Queen Anne, etc., signed and ordered to be sent forward by the Post.

Boston.

June 2. Letter to Mr. Brouillan, Governor of Port Royal, agreed upon, to give him an accompt of the information received that the Indians have in a hostile manner surprised and taken three fishing ketches of Salem at Port Latour, kil'd one of the Masters and detained two men more, pretending to act by Commission from Mr. Brouillan, and to enquire whether and how far he will own or countenance the action, and to demand the restoration of the vessels and men, and that justice be done. Ordered that the letter be dispatched by Mr James Robe. Ordered that the funeral solemnity of King William be performed on the 4th, and that Mr. Benjamin Wadsworth be invited to preach a suitable sermon on that day; the Council to be then in mourning; the Ordnance to be discharged, the bells to toll and the regiment of Militia in Boston to attend in arms.

June 3. A complaint preferred by John Wiatt and several others belonging to Fort Mary at Saco, against Capt. George Turfrey, Commander of the Fort, being sent up from the Representatives, was read and a Commission of Enquiry appointed. Capt. Turfrey ordered to appear in his defence. [C.O. 5, 788. pp. 149-152.]

June 1. **565.** Minutes of Council in Assembly of the Massachusetts Bay. The Council met and adjourned till to-morrow.

June 2. Committee of the two Houses appointed to enquire into the store of gunpowder in this Province.

June 3. Resolved that H.M. be humbly addressed by this Court in condolence of the death of King William, and in congratulation of her happy accession. The Representatives approved, and a Joint Committee was appointed to draw it up.

Resolve of the Representatives agreed to that 10*l.* be paid to Sarah, the widow of Oliver Purchis.

Bill for continuing several Acts that are near expiring ordered to be brought in.

June 4. The Council attended the Funeral Solemnity of H.M. [C.O. 5, 788. pp. 340-342.]

June 2. **566.** Minutes of Council of New Hampshire. The Lt.-Governor (Partridge) signifying his having received sundry uncertain rumours of the death of H.M. King William, and that Princess Ann of Denmark was proclaimed Queen, he thought meet to advise with the Council thereupon. It was immediately resolved that as soon as any certain advice should arrive, she should be proclaimed.

Portsmouth.

June 3. The Lt.-Gov., receiving a letter from the Council of the Massachusetts Bay, wherein he was ascertained the truth of

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that dismal news, the death of H.M. King William, forthwith ordered the Militia to be in arms the next morning, when Queen Anne was proclaimed, first at H.M. Fort at the Great Island, and then at the Town of Portsmouth, at the celebration of which solemnity all the great guns at the Fort and Town were discharged, with sundry volleys of small shot, the Lt.-Gov., Council and principal Gentlemen of the Province being present. The Ceremony was performed with all decency and the greatest demonstration of joy and satisfaction imaginable. [C.O. 5, 789. pp. 85, 86.]

[June 3.] **567.** Reply by the Proprietors of East and West New Jersey to the articles exhibited by William Docwra and Peter Sonmans against Col. Andrew Hamilton. (1) Col. Hamilton was Governor of these two Provinces for nine or ten years, to the good liking of Proprietors and people and the neighbouring Colonies without any complaint against him. He is so far from being an incendiary, that his mildness and moderation was the only motive for William Penn to intrust him with the Government. Those who have (by the influence of Basse and Docwra) appeared against him, are now so well satisfied of his moderation, that they have declared their readiness to submit to him, if he is clothed with a Commission from the Crown. (2) We know of no arbitrary or illegal proceedings he hath been guilty of. He hath often hazarded his life to preserve the publick peace, disturbed by those stirred up by Mr. Docwra and his party. (3) In all the time of his Government, before he was superseded by a Commission given to Basse, not one person in all these Northern Colonies was accused of piracy. Since his last journey over, he hath been eminent in discovering and bringing pirates to justice; particularly appeared at a County Court at Midleton at the trial of one, etc. (4) We have never received any accusation of the kind from the Assemblies, who have, on the contrary, at several sessions given him gratuities for his public service. (5) We have heard that Randolph did some time ago exhibit to the House of Lords a complaint against him and others about illegal trade, which was thrown out as groundless. His now accusers were so far from accusing him whilst he was here, that they joined with us in application to your Lordships for his approbation. (7) We know of no party that fear his impartial administration of justice, except William Docwra, who stands charged with several articles of high misdemeanour. He and the other petitioner, Sonmans, are not possessed of above two or three 24th parts of the Province of East Jersey, whereas almost all the other Proprietors of East Jersey here, and the proxys of those beyond sea, have joined with the whole West Jersey Society to petition for Col. Hamilton. (9) Col. Hamilton's petition was so far from being clandestine, that it was signed by all the Proprietors at a full General Court of the West Jersey Society and by Lewis Morris on behalf of all the Proprietors residing in East Jersey. *Pray for a report to H.M. that Col. Hamilton is the fittest person to serve in the Government of Nova Cæsarea.*

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*Endorsed.* Presented to the Board by Sir Tho. Lane, etc. Recd. Read June 3, 1702.  $2\frac{1}{2}$  pp. [C.O. 5, 1261. No. 105; and 5, 1290. pp. 16-23.]

June 3.

**568.** Journal of Council of Trade and Plantations. Mr. John Saville acquainted the Board from Mr. Penn, that being obliged to wait upon H.M. at Windsor, with an Address from the General Meeting of the Quakers, he desired their Lordships to excuse his not attending them to-morrow.

Sir Thomas Lane, with Mr. Docmenick, Mr. Richier, and several other Proprietors of New Jersey, presented a reply to the objection against Mr. Hamilton, May 28, by Mr. Sonmans and Mr. Dockwra, who with others being also present in order to make good those objections, the same were read together with the reply, article by article; after which both sides entered into disputes upon those matters with two [sic] much reflections on each other. The substance of all that was offered being much what is contained in those papers and others that have already been considered before the Representation on Oct. 2, 1701. Sonmans and Dockwra also left some papers to be considered.

Mr. Randolph acquainted the Board from the Earl of Nottingham, that whereas Mr. Thomas Cary, owner of the brigantine *Joseph*, Thomas Norman, Master, intended for Carolina, had promised that if he might have protection for her crew, he would direct the Master to call in at Bermuda, with letters for the Governor, and whereas the said protection is now ready, his Lordship desired the Board to press him to perform his promise. Directions given to the Secretary to write accordingly.

June 4.

Letter to Thomas Cary approved.

Col. Quary and Mr. Penn attending, their Lordships proceeded in hearing both partys in reference to the irregularities in Pennsylvania. The 6th Article, answer and reply were read. Mr. Penn added that the 1,000*l. per annum* was only for two years. As to the charge of the Assembly's setting, it was called for several public services, as the revising of their Laws, and other matters which could not be sooner dispatched. Col. Quary referred to the Addresses of the Assembly to Mr. Penn.

The 7th Article and reply were read. Mr. Penn said that the Laws having now been revived and amended, they are daily expected here in order to their being laid before H.M.

On the 8th Article, Mr. Penn desired to know by what Commission and Authority Col. Quary appeared here in prosecuting these charges. It was answered from the Board that he acted as H.M. Officer and according to the desire of the Representatives of the Three Lower Counties, who by him had transmitted their grievances to this Board. In proof of the threats mentioned in that Article, Col. Quary desired the foresaid Address of the Representatives of the Three Lower Counties to Mr. Penn might be read. Mr. Penn denied his having used any such expression, otherwise as set forth in his written answer, and in relation to one that was not a Member of the Assembly. But as for the main scope of that Article, relating to his right of Government

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in the Three Lower Counties, he desired that after all the objections laid against him are gone through, a time may be allowed him for his more full defence, and he would then offer what he has to say upon this head. As to the 9 and 10th Articles, both sides referred themselves to what they had written. Upon Article 11, Mr. Penn not agreeing to the instances given of the refusal of an Appeal in the case of Byfield, it was agreed that Byfield should be heard, and that Mr. Penn might then produce what evidence he has to the contrary.

Upon Article 12, Mr Penn referred himself to his answer in writing, and then desiring a copy of Col. Quary's reply, in order to his more full defence, their Lordships ordered a copy to be given him. They appointed Monday for a further hearing. Upon intimation from Col. Quary that the Lord Bishop of London desired to be heard upon the Pennsylvania Act against Clandestine Marriage, he was desired to acquaint his Lordship with that appointment. [C.O. 391, 15. pp. 62-69; and 391, 96. Nos. 99, 100.]

June 3. **569.** Minutes of Council of Barbados. Jonathan Downes attended, pursuant to the Order of this Board upon the complaint of John Bemisden, one of the Searchers and Waiters of H.M. Customs. The matter being argued by Counsel, and they not producing any precedent of any writ of replevin that had been granted for goods seized for unlawful importation for H.M. use, and the writ being granted without acquainting the Judge that the goods were so seized, ordered that the execution of the said writ of replevin continue suspended, until H.M. Officer that made the seizure have lodged the cause in some Court according to Law.

Petition of Thomas Horne and Alice his wife, formerly Alice Cousins, widow, read, setting forth that upon April 9, 1699, letters of guardianship of John Cousins, son and heir of John Cousins, decd., were granted by Governor Grey to petitioner, his mother; that upon some false suggestions his Grace the Archbishop of Canterbury had been prevailed upon to grant the guardianship to Richard Worsam, Bartholomew Rees and William Battin, executors of Cousins, altho' Rees is one of the blood of the said Infant, to whom his estate may descend; that the matter had been tra[n]sacted in England without Petitioners' privacie. The said Executors, upon pretence of the guardianship so obtained, have lately made their complaint to the two next Justices of the Peace against Petitioners of a forcible entry, in order to turn the Petitioners out of possession. *Pray that the letters of guardianship may not be made authentic before the Petitioners are heard upon the caveat entered by them, and that the Board appoint a short day for hearing thereof.*

Ordered that Petitioners be heard Tuesday four weeks, at this Board; that the Executors have notice; and that meantime there be no further proceedings upon the guardianship granted by the Archbishop. [C.O. 31, 6. pp. 231, 232.]

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**570.** Governor Codrington to the Council of Trade and Plantations. I received at St. Christophers my orders for proclaiming the Queen, and immediately made preparations to do it with the utmost solemnity that was possible for me; I ordered the forces at St. Kitts, *above 350 men*, to draw out on the frontier facing the French fort, and those of Nevis to be formed on the shore towards the French part of St. Christopher's, and having given particular orders to all the officers concerned to execute the same, I went on board the frigate attending the Government, waited on by a dozen sloops of brigantines, I hal'd in pretty near the French town of Basse Terre, to proclaim the Queen on board as Vice-Admiral of these seas. Upon the signal given, her Majesty was proclaimed first at Nevis, the fire of the cannon began at the Windermest Fort at Nevis, past on through the several forts or platforms along the shore, fifteen good merchantmen in the road took it from them, I succeeded on board the frigate being between the 2 islands, and the artillery at St. Kitts took it from me, this was done three times and her Majesty's companys of foot with the Militia of both islands in 2 lines made 3 running fires to the very noses of the French. I thought it proper to give the French this little piece of mortification in return of some news they pretended to give me part of the day before in a visit Monsieur de Gennes with some French gentlemen made. They told me the Prince of Wales was in Scotland and would very soon be in London. I answered them, they were not in the secret—for he was to take the Leeward Islands in the way and they should see the next day the reception I intended them. In return to your Lordships' demand concerning our Courts of Admiralty here, I am to tell your Lordships I act by a Commission under the seal of the Admiralty and that I humbly conceive I can legally act by no other, nor is the Council, nor ever was, concerned in anything of this nature. Not to mention the reasons of what I say, I shall only use the authority of Sir Charles Hedges, who, after a very solemn argument by the best advocates in the Commons, reverst sentence past by Father, not because it was not just, but as *coram non judice*, because he had not then an immediate power from the Admiralty, but acted by virtue of a clause in his Commission under the Great Seal. I know, my Lords, the reason of this demand. When I have the justice of a hearing allowed me, I shall satisfye your Lordships and the world. I have in this part of my conduct as well as all the rest acted with an exactness and integrity I shall have no reason to repent or be ashamed of. I wish the worst publick action I am accountable for, since my arrival, may be the same with the last of my life, and this I say after a very serious review of my conduct. However it has been so unlucky to me I believe no future Governor will follow my example. *Sine mundum vadere secut vult vadere*, is, I find, a wiser maxim than any of these by which I have guided myself, but 'tis [*not*] reasonable I should trouble your Lordships oftner on this subject. I shall do it once for all to purpose.

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I have spent ten days at St. Christophers in putting things into the best posture I can. I believe the French are now stronger than we are by fifty men, several of our poorer inhabitants being gone of. I am returning by the way of Mountserrat to Antigua to take care of the frigate, half the equipage of which is now down with the malignant feaver. The islands are very healthy and I know not what to attribute this to, unless it be a very great stench which the Captain tells me is occasioned by a great deal of bad and stinking beer he had on board. I will have her keel turned up, her ballance and every-thing else taken out, and then I hope by washing her with vinegar and using fumigations we may make her sweet and healthy. As soon as this is done I will return to St. Kitts and then expect the certainty of peace or war. Your Lordships may be assured no ill usage shall make me neglect my duty, for I am what I pretend to be and in particular, with utmost respect, your Lordships' most faithfull, humble and most obliged and most obedient servant. *Signed*, Chr. Codrington. *P.S.* I sent over an address to her Majesty by Majr. Butler, a gentleman of a very good interest in this island.

Your Lordships will find in our Latin Commission the particular directions are given in case of Appeals to the Court of Admiralty. *Endorsed*, Recd. 28th, Read July 30, 1702. *Holograph*. 3 pp. [C.O. 152, 4. No. 99; and 153, 7. pp. 504-507.]

**June 4.** **571.** Duplicate of preceding (*with slight verbal variations*). *Holograph*. 4 pp. [C.O. 152, 4. No. 100.]

**June 4.** **572.** Minutes of Council of the Massachusetts Bay. Commission of enquiry appointed June 3, signed.

The funeral solemnity of King William III of glorious memory was this day performed.

**June 5.** Capt. William Wormall, Commander of H.M. Fort at Cascobay, ordered to attend and answer several complaints preferred against him. [C.O. 5, 788. pp. 152, 153.]

**June 5.** **573.** Earl of Nottingham to the Council of Trade and Plantations. The Committee of Council thinking it high time that the Commissions to the several Governors of the Plantations shall be renewed, you are to cause draughts of such Commissions to be prepared, and also draughts of such Instructions as you shall think proper. *Signed*, Nottingham. *Endorsed*, Recd. Read June 8, 1702. 1 p. [C.O. 323, 3. No. 132; and 324, 8. pp. 165, 166.]

**June 5.** **574.** Col. Ward to Sir Philip Meadows. H.E. Col. Codrington having offered me the Lt.-Governor's place of this Island, and tho' noe salary be assigned to the same, yet having an estate upon the place, and being zealously affected for her present Majesty's service, and the true interest she is engaged in, do humbly crave your good word and assistance towards obtaining H.M. Commission. *Signed*, John Ward. *Subscribed*, I think

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myself obliged in justice to Col. Ward to say I am fully persuaded he will serve H.M. very faithfully and honourably. *Signed*, Ch. Codrington. [C.O. 152, 4. No. 101.]

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**575.** Col. Ward to William Blathwayt. To the same effect as above. *Signed*, John Ward. *Same subscription*. *Signed*, Chr. Codrington. *Endorsed*, Recd. Read Augt. 13, 1702. *Addressed*. 1 p. [C.O. 153, 4. No. 102.]

June 5.

**576.** Minutes of Council in Assembly of the Massachusetts Bay. Bill for continuing several Acts near expiring, and for granting unto H.M. several duties of impost, tunnage of shipping and excise, sent up, was read a first, second and third time.

Address to H.M. passed and sent down.

Petition of Andrew Belcher, Edward Lyde, Wm. Clarke, and Andrew Faneuil of Boston, Merchts., for the remission of duty on the lading saved from their brigantine *Larke*, cast on shore near Plymouth, May 2, 1702, granted.

June 6.

Address to H.M. returned and signed. Letter to Constantine Phips, to accompany it, read. [C.O. 5, 788. pp. 343, 344.]

[June 8.]  
Philadelphia.

**577.** Deposition of John Keble, Sep. 9, 1701. I having many servants in my house, to prevent licentious living, did by the persuasion of a divine, admit two couple of them marriage, according to the order of the Church of England; for which the Minister and I, as well as two free servants, have been prosecuted by order of the Governor for the breach of a law concerning marriages passed by his late Assembly at Newcastle, Oct. 1700. The Divine was fined 20*l.* and obliged to absent my House to prevent imprisonment. And I have suffered distress to the value of 14*l.* with the charges of the suit at law, and the two free servants are now under prosecution of the law by William Wilson, Sheriff of Kent. *Signed*, John Keble. *Endorsed*, Recd. Read June 8, 1702.  $\frac{3}{4}$  p. [C.O. 5, 1261. No. 106.]

[June 8.]

**578.** Copy of an Act for preventing clandestine Marriages, past at Philadelphia, Dec. 1701. *Endorsed*, Delivered to the Board by Mr. Penn. Recd. Read June 8, 1702. 1 p. [C.O. 5, 1261. No. 107.]

June 8.  
Whitehall.

**579.** Council of Trade and Plantations to the Queen. Enclosing the following draught. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

579. i. Draught of Letter for her Majesty's Signature to the Governor of Virginia. *Quotes* Representation of May 18. *Concludes*: Our Will and Pleasure therefore is that you represent to our Council and Assembly of Virginia the irregularity of their proceeding; that you further recommend to them in our name what has been already proposed by our late Dearest Brother

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for an assistance to be given by our Plantations on the Continent of America to each other, and particularly by Virginia to New York; and that you continue to use your best persuasions to incline them to a voluntary compliance. [C.O. 5, 1360. pp. 179-183; and (rough draft) 5, 1335. pp. 25-33.]

June 8. 580. Journal of Council of Trade and Plantations. Letter from the Earl of Nottingham, June 5, read. Further directions given for preparing draughts of Commissions referred to.

Order of Council, May 31, relating to Seals, read. Ordered that Mr. Harris attend to-morrow.

The Original Surrender of the Proprietors of the Jerseys was laid before the Board, and ordered to be kept entered in a proper book, to be kept henceforwards for the Province of Nova Cæsaria, or New Jersey.

Draught of a letter from H.M. to the Governor of Virginia, relating to the assistance to be given to New York, agreed upon, and a Representation signed, wherewith to lay the same before H.M.

The Lord Bishop of London, Mr. Penn and Col. Quary attending. (See June 4.) Mr. Penn declared that he daily expects the Acts lately past at Philadelphia, but having by him a copy of the Act *for preventing clandestine marriages* as taken out of the Rolls at Philadelphia, Dec. 2, he produced it, and it was read. And whereas upon reading the former copy received, June 1st, from the Lord Bishop of London, it had been objected that the Ministers of the Church of England are thereby subjected to a penalty in case of their acting any way contrary thereunto, and Mr. Penn had thereupon answered that the Act had never been put in execution, Col. Quary produced a certificate by John Keeble, Sept. 9 last, relating to proceedings made for the breach of that Act, which was read. Mr. Penn replied that those proceedings were not known to him, but that Keeble and the Minister also who married those servants are scandalous persons; and that there had been no sort of publication made of the marriage beforehand, but that it was done in a drunken frolic. The Act now produced by him is different in several particulars from the former, and less liable to exception. He insisted principally upon the necessity of a month's publication before the solemnization of marriages, but declared himself content that a certificate of a publication of banns, as required by the canons of the Church of England, notified or published as directed by the said Act, might be sufficient without the certificate of a Justice of Peace. Mr. Byfield attending, his case was read. He complained of the illegality of the proceedings and verdict against him, as being made by a Jury not sworn, and affirmed that he had not hitherto been able to procure an Appeal. Mr. Penn desired that the witnesses he is able to produce here in town may be heard. But, as to the merits of the case, Mr. Byfield saying that he was willing to refer it to arbitration, Mr. Penn undertook to dispose the adverse party to do the same likewise.

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Mr. Harris attending, promised to prepare drawings for Seals for the Plantations with what dispatch he can.

Mr. Dummer attending, promised to lay before the Board a more perfect scheme of his design, for settling a correspondence with H.M. Plantations, as soon as possible.

Col. Quary and Mr. Penn attending, Col. Quary added, upon the subject of Appeals, that Mr. George Keith did make an oath relating thereunto before the House of Lords. Their Lordships then considered Col. Quary's Memorial, April 20, together with Mr. Penn's Answer and Col. Quary's Reply. The first three Articles, with replies, were read. Col. Quary denied that he ever desired Anthony Morris might be restored to a Justice of Peace, and affirmed that he is a man who has been oft convict of illegal trade. Mr. Penn nevertheless insisted upon the truth of his answer, and that Col. Quary did say he believed Morris innocent in the business of the replevin, for which he had been turned out, and added that they are in a great want of fit men for those employments in Pennsylvania. He did not know Morris had ever been found guilty of illegal trade upon his own account, and only once as a Factor for another, which was the shipping of five barrils of meal, in which were hid so many casks of tobacco by order of his correspondents [at] Boston, and this above five years since.

Upon the 4th Article, Mr. Penn observed, that it relating to the limits of jurisdictions between the Common Law Courts and Courts of Admiralty, the question to be enquired into is not matter of fact but of right, in which the Common Law and Admiralty Lawyers ought both to be consulted. Whereupon their Lordships ordered Col. Quary to draw a state of a case to be sent both to H.M. Attorney and Advocate General, and Mr. Penn desired that he might have notice when the same is to be sent, that he may attend those Gentlemen with what he shall have to offer upon it.

Upon Article 5, Col. Quary said that what he has offered is upon information lately received from Pennsylvania, since his coming here, and for proof of Mr. Parmiter's having been convict of the crimes therein-mentioned, he produced a copy of the Records of Bristol, observing also that he had been only reprieved, not pardoned. To wch. charge Parmiter's having been constituted his Attorney General [*sic*], he [? Penn] would not give any direct answer, tho' he said he is an injenious man and very capable. As for the crimes objected against him, Mr. Penn said he had been very penitent, and is pardoned under the Great Seal, but produced no proof of it.

Upon Articles 6 and 7, Mr. Randolph declared that the Dedimus therein mentioned had been left with the Secretary of Pennsylvania. Mr. Penn referred himself wholly to his written answer.

As to the qualification requisite for Governors of Plantations, their Lordships resolved at their next meeting to send proper queries to the Attorney General for his opinion thereupon, and Mr. Penn desired that he may have copies thereof, and of the query before-mentioned, as he shall find necessary.

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Upon Article 8, Col. Quary said that it is by letters lately received from Pennsylvania that he has been informed that the French are settling themselves on the back of Pennsylvania, about four days journey from New Castle, and that he offered this Article to show the danger of the Country for want of a due provision for their defence. M. Le Fort, a Frenchman, who has lived many years in that country, was heard, at Mr. Penn's request. He said that he was well assured that Mr. Penn had never made any Treaty with French Indians to settle in Pennsylvania. Louis Limosin, mentioned in that Article, was formerly his servant, and is gone towards the New York Indians, which, he said, is directly contrary to the information given by Col. Quary. Limosin and Peter Bezallion, the pretended spies, came to Pennsylvania poor and miserable, and hath been helped by him and other Refugéez to work for their living; Limosin having lived there about 10 years, and Bezallion 13 or 14. He knows of no trade Mr. Penn has had with the Indians but when they come to treat with him, on which occasions (according to their custom), they make some small presents, and Mr. Penn returned to them the double. There is no Nation of Indians established lately in Pennsylvania but the Shavano, who are a peaceable people, being in number not above 30 cabanes at most, and have settled near the Susquehana River.

The three queries sent to Mr. Penn, May 19 last, were read. He said he would answer to them, together with other things, which he has reserved for his general defence, as soon as possible, and hoped to lay the same before the Board in writing towards the latter end of next week. Their Lordships declared to him that they resolved to sit on Monday next, and would continue to do so, *de die in diem*, for the dispatch of these matters. [C.O. 391, 15. pp. 69-81; and 391, 96. Nos. 101, 102.]

June 8. **581.** Minutes of Council in Assembly of the Massachusetts Bay. Daniel Peirce, anew chosen a Councillor or Assistant for the year, took the oaths, etc., appointed.

Letter to Constantine Phips agreed to, was sent down, and returned, signed by the Speaker.

Letter to Lord Cornbury, on behalf of Col. Romer, that he be permitted to stay here for some time to complete our fortifications on Castle Island, was signed, sent down, and returned signed by the Speaker.

Bill for continuing several Acts returned passed.

June 9. Benjamin Browne, anew elected Assistant, took the oaths appointed.

William Payne, by the vote of both Houses, was appointed Collector for the year ensuing.

Bill for granting unto H.M. a tax upon polls and estates, sent up, was read a first time. Message sent to the Representatives to move the House's consideration of a way for a more equal proportioning of the towns.

Resolve of the Representatives agreed to, that, in the vacancy of the General Assembly, it be lawful for the Commander-in-Chief,

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with the advice and consent of the Council, to transport such part of the Militia as they shall find needful, or oblige them to march into the Province of New Hampshire for the assistance and defence of H.M. subjects and interests within the same, in case of war, at any time or times within 12 months coming.

8*l.* 13*s.* paid to James Maxwell, Doorkeeper, for mourning upon the sorrowful occasion of H.M. death.

Petition of Daniel Warren, junr., of Watertown, rejected.

James Taylor, appointed to find the southermost part of Charles River, and the southermost line of the late Colony of the Massachusetts Bay, as anciently run by Nathaniel Woodward and Solomon Saffery, reported his observations, and was directed to acquaint the House of Representatives therewith. [C.O. 5, 788. pp. 344-346.]

June 9. **582.** Minutes of Council of Barbados. Petition of John Painter, Commander of the barque *Martha*, bound from Cork to Virginia, and driven by a storm to Barbados to refit, praying liberty of selling some part of his cargo to pay for same, and praying to be excused powder-money, granted, provided he sell no more than 50*l.* worth of his cargo.

Ordered that the Commander-in-Chief of the Regiment of Foot Guards raise two companies of the said Regiment as guard to attend every Grand Sessions till further orders.

This Board finding it needful to call an Assembly, writs were issued. [C.O. 31, 6. pp. 232-234.]

June 9. **583.** Minutes of Council of the Massachusetts Bay. The thanks of the Board were returned to Mr. Benjamin Wadsworth [see No. 564], and he was desired to give a copy thereof in order to printing the same. [C.O. 5, 788. pp. 153, 154.]

June 10. **584.** Minutes of Council in Assembly of the Massachusetts Bay. Petition of the Town of Topsfield, praying for a further hearing with reference to two farms petitioned for by Boxford, granted.

Order of the Representatives agreed to, that the Treasurer receive of Nehemiah Jewett four indented Bills of the late Colony of the Massachusetts Bay.

A proposal offered by Joseph Hill, of Boston, varnisher, that he having proved and found by experience that he can form such engines and make such composition of fireworks as, with God's blessing, shall do greater execution and spoil upon an enemy and contribute more to the defence of any fortification than a considerable number of men can do, he is willing to provide the same, if he might be encouraged by having granted unto him what shall be necessary for the promising of materials, and to support the whole charges incident thereto, was sent up with a resolve of the Representatives that he be allowed 20*l.* for making an experiment of fireworks for sinking of ships, etc. Agreed to, and a joint Committee appointed to see that the sum be improved accordingly.

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Bill for granting unto H.M. a tax upon polls and estates was read a second time, and passed.

Petition of Abraham Preble, Representative of the Town of New York, praying some help may be given it towards the support of the Ministry, sent up. 10*l.* granted, in accordance with the vote of the Representatives.

Bill, to enable Elisha Cooke to review two judgments given 1686, was read a first and second time.

June 11. *See preceding abstract.* [C.O. 5, 788. pp. 347-349.]

June 11. **585.** William Popple to the Attorney General. Enclosing following queries from the Council of Trade and Plantations for his opinion:—

(i.) Whether a Governor or Lt.-Governor of a Plantation under a Proprietary or Charter Government can, by 7 and 8 William III, be legally qualified for such employment without H.M. approbation first obtained, and taking the oaths as directed by the Act? (ii.) Whether the Courts of Admiralty directed to be settled in the Plantations by that Act be not the proper and competent Courts for trials of causes relating to breaches of the Acts of Trade, when the information or action is there brought by Officers of the Queen's Revenue, or other informers? (iii.) Whether any other Court, after the Court of Admiralty hath taken cognizance of any such cause, can take upon them to judge the same; and whether any such Courts can otherwise take cognizance of such causes than by the consent of the Queen's Officers? (iv.) Whether the Commissions granted by Mr. Penn to Waterbailiffs (copy enclosed) do not interfere with the Admiralty Jurisdiction intended by the aforesaid Act? *Mem.* The same letter, with the last three queries, was sent to Sir John Cook, the Queen's Advocate General. [C.O. 5, 1290. pp. 25-27.]

June 11. **586.** William Popple to William Lowndes. The Lords Commissioners for Trade and Plantations having lately stated several questions of great importance to H.M. service relating to trade in the Plantations, are desirous that the Lord High Treasurer be moved for his Order to the Solicitor of the Treasurer to attend H.M. Attorney and Advocate General upon this occasion. [C.O. 5, 1290. p. 27.]

June 11. **587.** Order of Queen in Council. Approving of draught of letter to Governor Nicholson [*re quota*] and ordering the Earl of Nottingham to cause a letter to be prepared for H.M. signature accordingly, and dispatched away to Col. Nicholson by the first conveniency of shipping. *Signed*, John Povey. *Endorsed*, Recd. 23, Read June 26, 1702.  $\frac{3}{4}$  p. [C.O. 5, 1312. No. 36; and 5, 1360. pp. 183, 184.]

June 11. **588.** Order of Queen in Council. Upon the petition of St. James's. Sir Thomas Day, in behalf of his son, Samuel, late Governor Day, setting forth that he being recalled from that

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Government, was arrested and still detained prisoner at Bermudas, upon an action of 2,000*l.* entered against him by Coll. Richier, late Governor of that Island, upon pretence he did not put in execution an Order of H.M. in Council for a security to be reciprocally given by Richier and Col. Goddard, and praying that Day may be forthwith sent home into England, to answer what may be objected against him, and Mr. Attorney General having given his opinion that H.M. may properly order Mr. Day's being sent for to England (security being first given for his appearing to answer in such Court or place as H.M. should direct to such matters as on H.M. behalf shall be objected against him and also to appear to such suits as shall be brought against him by H.M. subjects for matters by him done in the Bermudas, and to give bayles to such suites according to Law), and also to the Secretary there to let him have such copys as are desired by the said petition, they being absolutely necessary for making his defence, which report H.M. approving and bond being given to H.M. accordingly in the penalty of 4,000*l.*, Ordered that Samuel Day be permitted forthwith to come over into England with his effects, without any lett or molestation, and that the Secretary of the Island do give him authentick copys of all such writings and proceedings as he shall desire. Whereof the Governor and Council of Bermudas and all whom it may concern are to take notice and govern themselves accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read July 8, 1702. 2*½* pp. [C.O. 37, 3. No. 74; and 38, 5. pp. 237-239.]

[June 11.] **589.** Col. Quary to the Council of Trade and Plantations. His voyage to England and attendance on H.M. service for nine months, will cost him 300*l.*, besides the charge of several vexatious suits. Prays the Board to recommend the payment of his charges. Prays that his Commission and Instructions may be hastened, so that he may go to discharge his duty by the first convoy. Prays that their Lordships will write a few lines in answer to the Address from the Assembly of the Three Lower Counties and the Members of the Church of England, which will be of great service to H.M. by encouraging their zeal for the same; and that their Lordships will represent to H.M. their unhappy circumstances under Mr. Penn's Government, and that She will be graciously pleased to take them under her more immediate care and government. Prays that some effectual care may be taken by their Lordships to secure him in the discharge of his duty from the effect of Mr. Penn's prejudice and malice, grounded upon no other reason, but that he hath exhibited several charges against Mr. Penn, all which he hath fully proved. *Signed*, Robt. Quary. *Endorsed*, Recd. Read June 11, 1702. 1 p. [C.O. 5, 1261. No. 108; and 5, 1290. pp. 23-25.]

June 11. **590.** Edward Northey to the Council of Trade and Plantations. I have considered the Laws (*enumerated*) passed

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in the General Assembly of the Leeward Islands at Nevis in December last, which I conceive are agreeable to Law and Justice and doe not contain anything prejudicial to H.M. Royal prerogative, except the Act *for the better observation of the Lord's Day*, which (among other things) enacts that all Acts of Parliament made or to be made in England for securing to H.M. leige people their Religion, Lives, Liberties and Properties shall be in force in all the Caribbee Leeward Islands with all the pains and penalties therein contained, as if in that Act verbatim recited, by which Law great inconveniences may arise, for that thereby many Laws about property may be sett up, which may not suit the Plantations, and many about Liberty, which may too much lessen H.M. power and prerogative in those Islands, and by reason of the generality of the said Act many questions will arise what the English Laws are that are to take place by virtue of this Act, and therefore I think approving the same will be prejudicial to H.M. and her people. Except also the Act *for the better and more certain support of Ministers*, which enacts that every Minister of a parish, after due presentation made to it, shall be entitled to and receive from the same parish 130*l. per annum* besides his fees and perquisites, and which nevertheless further enacts that all parish taxes and levies of what kind soever shall be effectually sued for and recovered within three months after the same shall be due, else to be void, and no demand to lie for the same in Law or Equity, which will be very unsafe for Ministers, who are not themselves to collect their dues, but the same are to be collected by the Parish Officers, and otherwise inconvenient, for that amongst parish taxes and levies, the Minister's dues, the charge of repairs of churches, and the relief of the poor are included, and the same are to be collected by the Parish Officers, by whose neglect, or by the obstinacy of the persons bound to pay the same, if they be not recovered within that time, the same will be all lost, besides it is thereby also enacted, that the Governor and Council shall, in certain cases, have power to suspend and deprive Ministers, and no appeal is given from such determination, as I think there ought to have been, to the Queen, and although an account of such proceedings is thereby directed to be transmitted, to prevent all misrepresentations, to the Lord Bishop of London, that his approbation and correction may be a safe direction in cases of like nature, yet, as it is worded, it may be doubtfull whether the Bishop of London may repeal the sentence in such case, no Appeal of that Law being given by the party to him. Except also, that the Act *to prevent Trade or commerce with the French or any other foreign Plantation by the inhabitants of H.M. Caribbee Leeward Islands*, which seems intended and made on account of the present circumstances of affairs, is made perpetual, which, when a Peace shall be hereafter made, may be found inconvenient. And as to the Act *to prevent Papists settling in the said Islands*, which obliges all persons that come to reside there to take the oaths of Allegiance and Supremacy and subscribe the Declaration made in the 13th of Charles II, for that it is not

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certain what Declaration is meant by this Act, there being two several Declarations in two Acts made in that year, one of which wd. be useless and the other expels Nonconformists as well as Papists, which is contrary to the Act of Toleration, I believe the Declaration meant was in the 30th not the 13th year of Charles II. *Signed*, Edw. Northey. *Endorsed*, Recd. June 15, Read Sept. 8, 1702. 2½ pp. [C.O. 152, 4. No. 103; and 153, 8. pp. 59–65.]

June 11. **591.** Council of Trade and Plantations to the Earl of Whitehall. Council of Trade and Plantations to the Earl of Nottingham. Enclosing draft of Commissions and Instructions for Sir Bevill Granville to be Governor of Barbados, which seems to require the most speedy dispatch. *Signed*, Robt. Cecill, Wm. Blathwayt, Mat. Prior. *Annexed*,

591. i. Draft of H.M. Commission to Sir Bevill Granville “to be Governor-in-Chief of Barbados, Sta. Lucia, Dominico, St. Vincent’s, and the rest of our Islands, Colonies and Plantations in America commonly called by the name of our Charibee Islands, lying to the Windward of Guardaloupe.” [Cf. Cal. 1699, No. 382, and 1702. No. 472.] [C.O. 29, 8. pp. 33–61.]

June 11. **592.** Journal of Council of Trade and Plantations. Queries to be put to H.M. Attorney and Advocate General (see June 9) agreed upon, and shown to Col. Quary and Mr. Penn, who were ordered to have copies, if they desire. The said questions being of great importance to H.M. service in relation to trade in the Plantations, Col. Quary was directed to attend H.M. Attorney and Advocate General thereupon. Ordered that the Lord High Treasurer be moved for his order to the Solicitor of the Treasury to attend H.M. Attorney and Advocate General upon occasion of those questions.

Letter to Earl of Nottingham, with draught of Commission for Governor Sir Bevill Granville, signed and sent.

Col. Quary presented a Memorial desiring their Lordships’ favourable Representation of his services. He was told it would be considered.

June 12. Copies of letters from Capt. Powel, etc., were communicated to the Board by Mr. Blathwayt.

Copy of the Report of the Committee of the House of Commons, May 5, upon Mr. Hodges’ petition, was laid before the Board.

Letter to Col. Dudley signed.

Directions given for preparing a Representation upon the complaints against Capt. Hasket.

Directions given for preparing a Representation upon two Orders of Council, May 14, relating to Col. Hamilton. [C.O. 391, 15. pp. 82–85; and 391, 96. Nos. 103, 104.]

June 11. **593.** Minutes of Council of the Massachusetts Bay. The Council receiving intelligence this morning by an express from Marblehead of H.E.’s arrival there yester evening in H.M.S.

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*Centurion*, and the ship being now in sight in her way from thence, a Committee was appointed to repair on board her, in the name of the Council to congratulate H.E.'s happy arrival, and to wait upon him to town. The ship anchoring about noon in Nantasket Road, H.E. and the Lieut.-Governor soon after left her, being saluted by H.M. Castle and the Forts and the shipping. They were attended by H.M. Council, the Representatives, Ministers, Justices, etc., with the troop of Guards and Regiment of Militia in arms from the water-side to the Council Chamber. Then in the Court Chamber H.M. Commission to Gov. Joseph Dudley was read. H.E. took the oaths appointed and repeated and subscribed the declaration, etc.

H.E. adjourned the Assembly till June 16, and a Proclamation was published continuing Justices of the Peace and Officers of the Militia in their respective trusts. [C.O. 5, 788. pp. 154-156.]

June 12. **594.** Capt. Powell to Mons. Monic, Governor of Placentia. St. John's, Oct. 9, 1701. Proposing an exchange of deserters. [See Cal. 1701, Nos. 921, 938.] *Signed*, John Powell. 1 p. *Annexed*,

594. i. Governor Monic to Capt. Powell. A Plaisance, Nov. 5, 1701. I fear my King's censure, if I took upon me with such precipitation the exchange you propose, but if, putting aside past desertions, you wish to make a treaty for the future for the mutual restoration of deserters, I will willingly subscribe, etc. *Signed*, Monic. *The whole endorsed*, Recd. from Mr. Blathwayt, Recd. Read June 12, 1702. *French*. 1 p. [C.O. 194, 2. Nos. 80, 80.1.]

June 12. **595.** Council of Trade and Plantations to Governor Dudley. Whitehall. We hope this will find you safely arrived in your Government, where we doubt not of your care in all things relating to her Majestie's service, or the good of the Province, especially with relation to its security, which becomes now the more necessary by reason her Majesty has declared war against France and Spain, as you will perceive by the letters already sent you. We have lately received a letter from Mr. Sheaf, a Custom House Officer in New Hampshire, whereof we send you here enclosed an extract, relating to the Records of that Province and to Fines. In the first point we think him in the right, that the Secretary is the proper officer in whose hands the Records ought to be lodged; and as to Fines, if the thing be as he writes, it is certainly a great abuse. We therefore recommend both those matters to the best of your care. Some time since Mr. Randolph laid before us a Memorial relating to a case wherein the said Sheaf thought himself aggrieved, a copy whereof we send you here enclosed, and desire you to do therein as you find reasonable and consistent with the due course of Justice. We have been desired by Mr. William Wallis, a merchant, who has several times imported masts for the use of the Royal Navy, to take

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some care that Mr. Jahleel Brenton, the Surveyor of the Woods in New England, do allow Mr. Ichabod Plaisted, his Deputy, one half of the salary appointed to that service. This we proposed to Mr. Brenton when he was here, and he accordingly promised to do it. How the account may stand between them we do not know. But we send you here enclosed a copy of Mr. Wallis's Memorial, that you may interpose therein as you find necessary. And we more especially recommend to you upon this occasion that they may both be strictly required to be exact in the performance of their duty in that office, or in case of their neglect that you take such further care therein as you find reasonable and pursuant to the authority given you by your Commission and Instructions. We have very lately received another letter from Mr. Sheaf, and one from Mr. Partridge, Lt.-Governor of New Hampshire, both of them relating to a seizure of some enumerated commodities imported from the Massachusetts Bay, and without such security first given as required by law, a copy of which letters we send you here enclosed. But whereas it is thereby intimated that Mr. Sheaf has sent a more full account of that matter to the Commissioners of the Customs and to the Lords Commissioners of the Treasury (which is his right course of application), we refer you to such directions as you may receive from the Lord High Treasurer. The Acts of the Genll. Assembly of New Hampshire which we have at any time received are very confused, some so ill writt that they are scarce legible; and several others are not come. We want particularly one past in September last for *raising 550l. for defraying the publick charge of the Province.* We desire you, therefore (besides the particular Acts which you are required by your instructions to transmit from time to time under the Publick Seal), to send us one compleat and authentick collection of the Laws of that Province, that they may be fit for such inspectn. as shall be requisite. *Signed, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Mat. Prior. [C.O. 5, 910. pp. 216-219.]*

June 13. **596.** Sir John Cooke to the Council of Trade and Plantations.  
*In reply to Queries of June 11.* I could have given a fuller answer, if Mr. Penn's Patent had been laid before me, to see whether the Vice-Admiralty jurisdiction of Pennsilvania is thereby granted to him or not. But supposing it is, I make no doubt, but that the power of constituting a Judge, Register and Marshall of the said Vice-Admiralty is expressly reserved to the Crown, that being an usual reservation in such Patents. Accordingly I find that two Patents were granted by the late King in June, 1697, one to Robert Quarry to be Judge, the other to William Rodeney to be Register of the Vice-Admiralty of Pennsilvania; and I conceive Mr. Penn has no more a power of constituting a water-bailiff there, than a Judge or Register, for though he has in the Commission annexed given the officer a new name, yet it is plainly that of Marshall of the Admiralty, "to execute all writs, etc., on persons, ships or goods upon the water," which is beyond the limits and jurisdiction of the Civil Courts there.

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I humbly conceive that the breaches of the Act of 7 and 8 William III mentioned ought, and are most properly to be determined in the Vice-Admiralty Courts of the Plantations, from whence an Appeal lies, by express provision in the Vice-Admiral Patents, to the High Court of Admiralty of England. Among many instances of such appeals, I particularly remember one lately brought and determined here, upon a sentence given in the Vice-Admiralty Court of Pensilvania, whereby the *Providence* and her lading was condemned there for not being registered as that Act directs and requires. And tho' sometimes the Civil Courts in the Plantations have proceeded in cases of the like nature, yet I conceive there is no manner of pretence for those Courts to draw causes from the cognizance of the Vice-Admiralty Courts, when once begun there. For supposing, tho' not granting, that the Courts have a concurrent jurisdiction and that either of them may, in some cases, proceed upon the breaches of the aforesaid Act, or of any other Acts relating to trade, yet when there is *Preventio Fori*, that is, when the Informer has made his election in wch. Court to prosecute, the other Court cannot impede or disturb the proceedings. *Signed*, J. Cooke. *Endorsed*, Recd. Read June 16, 1702. *Holograph*.

1½ pp. *Enclosed*,

596. i. Copy of last three Queries *given above*, June 11.

596. ii. Copy of Commission granted by William Penn, Absolute Proprietary in Chief of the Province of Pennsylvania and Counties annexed, to Thomas Farmer, High Sheriff of the County of Philadelphia, constituting him "water-bayliff of this town and county of Philadelphia. I do hereby empower thee to execute all writs, attachments, summons, replevins and all other process whatsoever awarded and to thee directed upon any person or ships or goods whatsoever from any Court of Record within this County, upon the rivers and waters of Delaware, so far up and down the said river as the County of Philadelphia," etc. Philadelphia, the 20th day of the 4th month in the 12th year of William III, 1700. *Signed*, William Penn. 1½ pp. [C.O. 5, 1261. Nos. 109, 109. i., ii.; and (without enclosures) 5, 1290. pp. 32-35.]

June 15.

597. Petition of Augustin Graham, Surveyor General of New York, to the Council of Trade and Plantations. *Prays that* his office, now determined by the death of King William, may be confirmed and renewed to him. *Endorsed*, Recd. Read June 15, 1702. 1 p. [C.O. 5, 1047. No. 54; and 5, 1119. pp. 143, 144.]

June 15.  
London.

598. John Usher to the Council of Trade and Plantations. I herewith present to your Lordships account of several disorders that has been acted in New Hampshire [1696, 1697]. I humbly conceive Hincks, Vaughan and Walderen, if not guilty of *treason*, yet guilty of *misdemeanour*. Partridge, now Lt.-Gov., besides

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being guilty of breach of the Act 7 and 8 King William and Mary, a great contempt and disobedience to orders from White-hall, etc. My Lord Bellamont had orders to examine into the matter, but though I gave to him a charge against above said persons and tendered to prove the same, reasons best known to himself did wave the hearing thereof. I humbly offer that Col. Dudley with some others may have directions for inquiring into and taking of evidences. *Signed*, John Usher. *Endorsed*, Reed. June 16, Read July 1, 1702. *Addressed*.  $\frac{3}{4}$  p. *Enclosed*,

598. i. Copy of Minutes of Council of New Hampshire with notes by John Usher relating to the disturbances in the government of that Province, 1697. (*See Cal. A. and W. I. for that year.*) *Signed*, John Usher.  $2\frac{1}{4}$  pp.

598. ii. Copy of Minutes of Council of New Hampshire with John Usher's Remonstrance relating to the disturbances in the Government of that Province, 1694-1697. (*See Cal. A. and W. I. for those years.*) *Signed*, John Usher.  $3\frac{1}{2}$  pp.

598. iii. List of persons [? *proposed by Mr. Usher*] for examining evidences: Jos. Dudley, Governor; Samll. Allen, Proprietor; Capt. Tho. Povey, Major Jos. Smith, or any three. Charles Storey to prosecute; Sampson Sheafe, Clark. 1 p.

598. iv. *Memorandum* of Lord Bellomont's Instructions and Answer, and of Mr. Partridge's Answer to Mr. Usher's Complaints. 1 p. [C.O. 5, 862. Nos. 117, 117. i.-iv.]

June 15.

599. Journal of Council of Trade and Plantations. Ordered that Mr. Dummer be desired to dispatch the further account of his proposals.

The Lord Bishop of London proposed to the Board that the Act of New York, Oct. 26, 1700, entituled *An Act for declaring* the Town of East Chester a distinct parish from West Chester might be repealed, because the provision made for the Church by the former Act, which this annuls, is better than by this. His Lordship also acquainted the Board that an Act lately passed in the Leeward Islands, *for the better and more certain support of Ministers*, does interfere with his Jurisdiction in the Plantations, and promised to lay before the Board a particular paper of objections against it, and amendments fit to be made thereupon.

Mr. Augustine Graham presented a petition (*above*). Ordered that a letter be prepared to enclose a copy of it to the Lord Cornbury, that he may do therein as he finds best for H.M. service.

Mr. Penn and Col. Quary (both present) agreed to attend the Attorney General on Wednesday, in order to his answer to the queries lately sent him.

Ordered that a letter be prepared from the Board to the Commissioners of Customs, to acquaint them with the occasion of Col. Quary's stay here, and the prospect of his dispatch.

June 16.

Representation upon the Remonstrance of the Inhabitants of the Bahama Islands against Capt. Hasket, signed.

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Report of Sir John Cooke read. Ordered that a copy be given to Mr Penn and Col. Quary, if desired.

Ordered that Col. Quary and Mr. Randolph be desired to lay before the Board in writing what they have to offer concerning Col. Hamilton's mismanagement in relation to illegal trade, and other matters within their trust.

June 17.

Letter from Governor Selwyn, March 30, etc., read. Representation agreed on relating to the present state of that Island.

Two Acts of Jamaica, March 17, were laid before the Board.

Mr. Randolph laid before the Board a Paper of Articles against Mr. Penn, which were read. The last of those Articles, relating to Mr. Markham's imprisoning Mr. Randolph in 1689, until he had delivered up to him a Plantation Bond of 1,000*l.*, was confirmed by Col. Quary. Whereupon ordered that when Mr. Penn comes next to this Board, he be asked concerning the state of that matter, and where the said Bond now is.

Col. Quary's answer concerning Col. Hamilton read.

H.M. Letter to Governor Nicholson committed to the care of Col. Quary. [C.O. 391, 15. pp. 86-91; and 391, 96. Nos. 105-107.]

June 15.  
Newcastle.

**600.** Minutes of Council of New Hampshire. Upon the advice of the arrival of H.E. Col. Joseph Dudley at Boston, Governor of the Massachusetts Bay and New Hampshire, it is thought meet that a congratulatory Address be sent to H.E. with all expedition from H.M. Council in this Province. [C.O. 5, 789. p. 89.]

June 16.  
New York.

**601.** Governor Lord Cornbury to the Council of Trade and Plantations. I trouble your Lordships with this only to acquaint you that by the many complaints the people of this Province well proved against them, I have thought it convenient to suspend from the Council Mr. Atwood, Mr. Weaver, Col. D'Peyster, Dr. Staats and Mr. Walters: their behaviour at large your Lordships shall have by Capt. Caldwell, Commander of H.M.S. *Advice*. Being informed the said Weaver had a design to goe out of this Province, I ordered him to be seised and required him to give bail for his making up his accounts, which he did in the penall sum of 4,000*l.*, but in two or three days afterwards he ran away. I have issued a Proclamation with a reward for the apprehending of him. I hope it will have a good effect. *Signed*, Cornbury. *Endorsed*, Recd. Nov. 30, Read Dec. 3, 1702. *Holograph*. 1 p. [C.O. 5, 1047. No. 55; and 5, 1119. pp. 213, 214.]

June 16.

**602.** Wm. Atwood and T. Weaver to the Council of Trade and Plantations. We humbly desire to inspect your Lordships' books for the following papers (1693-1698). *The papers enumerated include several of Lord Bellomont's letters, and refer to Honan, piracy, etc.* *Signed*, Wm. Atwood, T. Weaver. *Addressed*. 2*1*/<sub>2</sub> pp. [C.O. 5. 1084. No. 2.]

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June 16.  
Admiralty  
Office.

**603.** J. Burchett to William Blathwayt. His Royal Highness having had some intimation given him that the ships of war, which were annually appointed to attend on New England, are of noe service there in the winter months, because then that country is generally frozen up, I am commanded by his Highness to desire, that you will consider with the rest of the Lords of the Council for Trade and give yr. opinions, whether the ships may not be directed to repaire towards England in the month of October, and others be appointed in their room, so as to be there at a proper season of the yeare. *Signed*, J. Burchett. *Endorsed*, Recd. Read June 18, 1702. *Addressed*. 1 p. [C.O. 5, 862. No. 118; and 5, 910. p. 220.]

June 16.  
Whitehall.

**604.** Council of Trade and Plantations to the Queen. *Give an abstract of the charges of the inhabitants of the Bahama Islands against Governor Hasket.* *Continues* :—Since his arrival here he has once attended us, and seemed prepared to make his defence, but has absented himself, and is not to be found, notwithstanding all the enquiries we have been able to make after him. We have communicated the foregoing informations to the Lords Proprietors of the Bahama Islands, but have received no answer. Upon the nomination of this person by the Lords Proprietors, we did humbly propose that security might be given for his behaviour (which we humbly conceive might have prevented these mischiefs) but could not obtain the same from the Lords Proprietors. *Quote from Representation*, April 17. We likewise humbly propose that the inhabitants being generally a disorderly people at present without either Governoour or defence, your Majesty would please to signify your directions to the Proprietors that they take due care for the security of the said Islands, and for sending thither a Governor who may have your Majesty's approbation as by Law is requisite. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 5, 1290. pp. 28-32.]

June 16.

**605.** Edward Randolph to the Council of Trade and Plantations. Articles against William Penn, the pretended Governor of the Three Lower Counties on Delaware Bay. (1) He assumes the Government of those Counties, with no legal right. (2) He taxes H.M. subjects there, and exacts customs and lays 8d. per tun upon all foreign vessels, which is destructive to the trade of England, whilst the inhabitants ship off great quantities of tobacco yearly from thence to Scotland directly. (3) He has not qualified himself to be Governor by being first allowed of by his late Majesty's Order in Council. (4) He hath (since he went over last) made Laws destructive and repugnant to the Acts of Trade, etc., but for the encouragement of illegal traders. (5) He hath assumed to himself the third part of all penalties and forfeitures granted to H.M. by 7 and 8 William III, which were not before particularly disposed of in the said Act. (6) His late Governor, Mr. Markham, hath also assumed to himself H.M. third part of two forfeitures, and

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converted them to his own use. (7) Refers to Markham's behaviour with relation to Deplovey's bond, 1689. *Signed*, E. Randolph, S. G. *Endorsed*, Reed. Read June 17, 1702. 1 p. [C.O. 5, 1261. No. 110; and 5, 1290. pp. 35-37.]

At the House of Grandsire Penniston's at the Flatts. **June 16.** **606.** Minutes of Council of Bermuda. Resolved that a Battery be made at the Town Cutt, and three guns mounted, and two guns placed at the northernmost part of Stokes Island. Ordered that two men attend Capt. Brooks at the Fort upon demand at 12s. *per annum* apiece, to be by him chosen out of the four. [C.O. 40, 2. p. 47.]

**June 16.** **607.** Minutes of Council of the Massachusetts Bay. Lord Cornbury's acknowledgment of the letter from the Council [June 1] read.

Ordered that Capt. Wormall be heard to-morrow.

**June 17.** Capt. Wormall heard, and Mr. Treasurer, as to what he had to object to Capt. Wormall, as to the trade with the Indians and the subsistence of the Indians.

H.E. proposed to visit H.M. Castle on Castle Island this afternoon, and invited the Gentlemen of the Council to attend him.

**June 18.** Upon consideration of the complaints against Capt. Wormall, Commander of H.M. Fort at Casco Bay, and truck matters there, and of his unacceptableness to the Indians, advised that he be dismist and that H.E. think of a suitable person to supply his place.

Upon a representation made by Col. John Pynchon and Lt.-Col. Partridge of several Frenchmen, strangers, residing in the County of Hampshire, and hunting with the Indians in and about the woods there, ordered that they cause strict search to be made by all officers, civil and military, for the said Frenchmen, and to cause them to be apprehended and sent down to Boston, to give an accompt of themselves to H.E. [C.O. 5, 788. pp. 156-158.]

**June 16.** **608.** Minutes of Council in Assembly of the Massachusetts Bay. The Representatives attending, H.E. addressed them. *Refers* to the accession of Queen Anne—"As in the last autumn the English Nation under a Queen of blessed memory saw the fall of the Spaniards from the expectation of a universal monarchy, so may we under the most auspicious reign of Queen Anne see the defeat of the unjust endeavours of the French King, and the balance of Europe yet kept in the Crown of England. I am particularly commanded to assure you of H.M. good affection and favour to all her good subjects of this Province, and her resolution to take care for your defence and security, towards which she has so early disposed and settled the Government here, and that nothing else shall be wanting, if we shall proceed to what is proper on our parts in this conjuncture. It is true this Province, as well as the other Northern Plantations on the shore of America, are not so immediately profitable to the

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Crown of England, in the Customs and Revenue, as the Southern parts, where the most profitable commodities are produced. It is therefore justly expected of us that we use all methods to fall into such other articles of trade to supply the Kingdom of England with Naval Stores and other commodities there wanting, of which this Province is capable, that may remove this objection, and that in the meantime we be as little chargeable to the Crown as may be, especially that we take care that our trade be kept within the strictest bounds of all Acts of Parliament, and that all false trade and piracies be with utmost diligence prevented and suppressed.

"We may expect every day to hear of a direct War, which will involve us into our usual troubles with the French and Indians, for the support of which I must desire you to take care that there be a supply of men and money. I very well know that the inland parts our Frontiers lie long, and very much exposed to their insults, and how impossible it is to raise, much less to support so much force as is necessary to make every small settlement safe. But so much must be done as is within our power for the honour of the Crown, and security of every part of the Government, and that will move H.M. to support us in the rest. And here particularly I must recommend to you the resetting the Fort at Pemaquid, or at least a fortification in that part. There is no other Province where there is not provided a fit and convenient House of the Governor, and a settled salary for the Governor, Lt.-Governor, Secretary, Judges and all other Officers, which therefore is recommended to you. And since this Province is so particularly favoured by the Crown in more instances than one, their more ready obedience is justly expected in this and all other occasions. The season of the year is so far advanced, and my attendance required in the next Province, as well as the visiting all the Frontier parts, that I must desire you to use all possible expedition, and not suffer yourselves to be delayed by any private matters whatsoever."

The Assembly having withdrawn, a letter from Constantine Phipps was read and sent down expressing his opinion that the Province was happy in H.E.'s appointment as Governor.

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H.E. proposed that a present be made to the Captain of the *Centurion*, who brought him over.

The Representatives attending, H.E. gave permission for his Speech to be printed. The Speaker read an Address of the House thanking H.E. for his speech. The Representatives withdrew.

H.E. read a letter from Lord Cornbury, in favour of William Veazie, lately expelled the House of Representatives.

Ordered that Mr. Speaker be asked for information, that so a proper answer may be made.

Message from the House, desiring to have a reconsideration of the Tax Bill, lately sent up, before it be engrossed. Granted.

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H.E.'s proposal of yesterday, for a present to be made to Capt. John Hearne, referred to the Representatives. [C.O. 5, 788. pp. 349-353.]

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[June 17.] **609.** Col. Quary to the Council of Trade and Plantations. My employment under H.M. in Pennsylvania and the Jerseys gives the advantage of knowing very well the severall intrist, devisions, and distractions of those Governments. The inhabitants of the Jerseys have been always divided into two different factions ; the united intrist of the Quakers being one, and the rest of the inhabitants the other. Col. Hamilton was always (till of late) of the faction in opposition to the Quakers, but finding that they opposed him in all things that concerned his private intrist, he thought fit to change his party, and became the head of the Quakers' faction, in which he hath been for at least four years, and is so zealous an assertor of their cause and intrist that the rest of H.M. subjects complain of great oppressions and hardships received from him in favour of the Quakers. The heat and distractions of that Government is now grown to that height, that nothing but H.M. sending a prudent Governor altogether unconcerned in their quarrels and differences can secure the peace of the country. The people having imprisoned him, and as they generally complain he hath very much opprest them, so that the prejudice and resentments on both sides is so very high that it is impossible to reconcile it. Col. Hamilton is a man of good sense and parts ; but considering the present state of those Provinces, and how far he hath been actually concerned in all the differences and distractions of the two factions, he is the most unfittest person for that Government in the world. That he is wholly in the Quaker interest, in opposition to the rest, may appear by Mr. Penn's making him his Lt.-Gov. of Pennsylvania, altho' he very well knew that he was not qualified as the Law requires. As to what concerns his encouraging and countenancing illegal trade, it being before my time, I must leave to Mr. Randolph's representation of it. Since he was appointed Mr. Penn's Lt.-Gov., he hath opposed the authority and jurisdiction of the Admiralty contrary to the Act of 7 and 8 William III. *Signed*, Robt. Quary. *Endorsed*, Recd. Read June, 1702. *Holograph*. 2 pp. [C.O. 5, 1261. No. 111; and 5, 1290. pp. 38-40.]

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Whitehall.

**610.** Council of Trade and Plantations to H.M. Commissioners of Customs. Col. Quary has shewn so much zeal for the service of the Crown and given such evidences of his ability in the matters committed to his trust, that we conceive he will deserve all further encouragement from H.M. and your Board. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Mat. Prior. [C.O. 5, 1290. pp. 43, 44.]

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**611.** Edward Randolph to the Council of Trade and Plantations. Articles of complaint against Col. Hamilton, Governor of West New Jersey, with relation to illegal trade :— In 1695, I found in the books of James Williams, Collector of Customs in Pennsylvania an entry : “ 1695, William Wrighton, *William and Mary* of London, bound to Newcastle in England

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with 100 hhds. of tobacco." But he went directly to Scotland. On his return, he imported 30 or 40 tuns of Scotch coal, from Scotland, and in his way going up with them aboard to Burlington, was seized by Capt. Thomas Meech. [See Cal. A. & W. I., 1696. No. 2304, etc.] Col. Hamilton, then Governor of West New Jersey, denied Meech's power to seize. Afterwards Edward Hunlock, whom I deputed Collector of that Province, seized but did not prosecute, because Col. Hamilton had, upon a petition of Maurice Trent, the owner, and Wrighton, the master, setting forth that the French took their clearings for the coal, etc., in some port in England from them at sea, permitted the vessel to be apprized, and accepted of their bond to produce certificates thereof in a year's time. I find no reason for their giving such a bond, but to get their vessel from the prosecution. About 1698, I desired Governor Bass to demand the bond of Col. Hamilton, and to put it in suit. But he told him, that if he had the bond, I should not have it, nor would he deliver it to any I should order to receive it. Col. Hamilton has destroyed a bond of about 200*l.* to the King, which he is certainly accountable for to H.M. *Signed*, Ed. Randolph. S.G. *Endorsed*, Recd. Read June 18, 1702. *Holograph*.  $1\frac{3}{4}$  pp. [C.O. 5, 1261. No. 113; and 5, 1290. pp. 40-42.]

June 18. **612.** William Penn to [? William Popple]. I here inclose my [18, 4 M.] complaints against Col. Quary, and also desire the Lords to have coppys of his proofs allowed me, and the persons' names (if any more than those named to me) incerted, that they may the better know how to cleare their reputation in America. My rejoynder to his repley to my answear will waite on the lords as fast as I can. Our disapointments at the Temple have retarded all, and lost my time in expectation and attendance, which is all that now offers from Thy assured Friend, Wm. Penn. *Endorsed*, Recd. 19th, Read June 26, 1702. *Holograph*.  $1\frac{1}{2}$  pp. *Enclosed*,

**612. i.** Complaints of William Penn against Col. Quary.

(1) His unacquaintance with the Civil Law makes him uncapable of executing so great a trust. (2) His extending his Admiralty Jurisdiction to cases not only cognizable but proper to Common Law Courts, taking all cases that relate to the water, tho' *infra corpus comitatus*, and where the River is not a mile over, and in the freshes. (3) He is the greatest merchant in the Province, and yet is both Judge of the Admiralty and Surveyor of the Customs. (4) He has been Judge in his own case, forasmuch as he has the King's Third for his salary, as he has told me, or expects it at least. (5) He has been partial in his administration. First he seized a sloop belonging to one Naylor, upon a slight information of foul trade, never proved, as I hear, against her; and tho' sufficient security was offered him, had her appraised at 15*l.*, and afterwards hired her himself for Carolina; and at her return, not only

paid no freight, but obliged the poor widow, the owner, to sell her vessel to great loss, to satisfy the aforesaid appraisement. (2) I desire he may be asked, if the Curroso vessel, so much talk'd off, was seized till she was sold by the transgressors to honest men, who were rebuilding of her, at her seizing, and the sellers gone out of the Province to New York? (3) If Robert Web, Marshal of the Admiralty, did not first inform against the *Calipatch*, and get the owners of her afterwards admitted for informers to save  $\frac{1}{3}$ , which had been the greatest transgressors in the trade, of the whole River. (4) His known rigour (presum'd for lucre sake) against the *Providence*. Her goods were appraised low at the instances of Quary or John Moor, Advocate, that the owners might come at easy rates, no malice or design of fraud appearing. But after appraisement,  $\frac{2}{3}$  were sold, the King's  $\frac{1}{3}$  by Col. Q., the other by the Advocate, as Informer, at rack-values, which is presumed to be 70 if not cent. *per cent.*, for by a re-appraisement of my  $\frac{1}{3}$ , that I declared from the first I would resign to the owners, the value of the  $\frac{2}{3}$  was settled, and that was 50 or 60 *per cent.* above the first appraisement, and the appraisers offered to take them off with ready money at that rate; which whole story of their garbling a fair trading ship for their private ends was the dis-honour and is still the suffering of the Province in reputation and trade; and it is suspected that Col. Quary and the Advocate went halfs in his  $\frac{1}{3}$ . However, the overplus was worth above 200*l.* to them upon the  $\frac{2}{3}$  as first apprais'd. (6) The Queen, I fear, has been unfairly dealt with in other appraisements of forfeitures, as comparing them with Col. Quary's sales will better appear.

Col. Quary and I lived well together till (1) that I did, in obedience to the High Court of Admiralty in England, grant an Order to appraise the ship and goods of Lumby (the *Providence*), seized, condemned and divided by Quary; and that discovered the abuse of the first appraisement, above 50 *per cent.* as I take it. (2) I refused to let him condemn Gillham's goods taken on several he sold them to at Lewis, as forbidden trade, that he might be let in for his  $\frac{1}{3}$ , since Gillham was a Pyrate. (3) Because he had heard in Virginia, and also from England that I had sent five affidavits home against him, and for that reason he privately sent home the copy of the water-bailiff's Commission, as complaint of an encroachment upon his Commission of the Admiralty, without giving me a previous notice, according to his promise, that we might have jointly represented that matter to the Lords. But to do him right, when he perceived the story false, and that I never sent one, he pretended to attempt the recovery

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of that letter from New York, and to go on with me in our former friendly correspondence, till sent for home to throw dirt upon me, the people and government of Pennsilvania, for what ends may easily be imagined. *Signed, Wm. Penn. 3 $\frac{3}{4}$  pp. [C.O. 5, 1261. Nos. 112, 112. i. ; and (without covering letter), 5, 1233. No. 37 ; and 5, 1290. pp. 65-70.]*

June 18. **613.** Order of Queen in Council. That the Earl of Nottingham St. James's transmit a copy of the Representation [June 16] to the Lords Proprietors of the Bahama Islands, with signification of H.M. pleasure that they take due care for the security of the said Islands, and for sending thither a Governor, who may have H.M. approbation, as by Law is requisite. *Signed, John Povey. Endorsed, Recd. 23, Read June 26, 1702. 3 $\frac{3}{4}$  p. [C.O. 5, 1261. No. 114 ; and 5, 1290. p. 88.]*

June 18. **614.** Copy of Commission from the Lords Proprietors of Carolina to Sir Nathaniel Johnson, Kt., to be Governor of South and North Carolina, with power to appoint a Deputy Governor or Governors, etc. "We do further give you a full power and authority, with the advice and consent of any three or more of our deputies to grant and sell lands in fee, reserving 12d. for 100 acres *per annum* as an acknowledgment, and to settle the quit-rents by patents or indentures," etc. *Signed, J. Granville, Palatine ; Craven ; J. Granville for Lord Carteret, John Colleton. [C.O. 5, 289. pp. 92, 93.]*

June 18. **615.** Instructions for Governor Sir Nathaniel Johnson. You are to follow such rules as we have given in our fundamental constitutions, temporary laws and instructions to former Governors. You are with the assistance of the Grand Council, to inspect into all our constitutions, and what of them you shall think most expedient for the better establishment of our Government, for the good and welfare of our people, you are to present to the General Assembly for their concurrence. And we will and ordain that what shall be by you and our Grand Council and Assembly so agreed on, you cause to be transmitted to us, that the same may be considered of and ratified under the hands and seals of us the Palatine ourself and three or more of us the Lords Proprietors ourselves before they are published and put in execution as Laws in Carolina. Any Law, before it hath been ratified, shall cease to be a Law whenever we, the Palatine, and three or more of us, the Lords Proprietors, signify our dissent to it under our hands and seals. You are to take all imaginable care to see the Acts of Trade and Navigation duly to be observed. You are, with our Trustees, to use your endeavour for the selling of land, but to reserve a quit-rent of 12d. a year for 100 acres and so proportionably, your price for the same near the settlements not to be under 20*l.* a 1,000 acres, and 200 miles distance, or near the mountains, 10*l.* for 1,000 acres, and not under ; and

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also to grant land at 1*d.* an acre yearly quit-rent, and that all future grants contain a provision to make the land escheat unless a settlement be made within 4 years; not above 200 acres to be let to any one person without a warrant under our hands and seals. But for the lands in Albemarle County, you are to sell the same at such rates and prices as by our Instructions to our late Governor, John Archdale. You are to cancel all our blank deputations for Landgraves and Cassiques. You are to take great care that the Indians be not abused, and that all means may be used to civilize them, and that you endeavour your utmost to create a firm friendship with them, and to bring them over to your part for your better protection and defence against the enemy, the neighbouring French and Spaniards, against whom you are to protect our said Province. And we assure you of our utmost assistance for your security. Having received complaints from the Commissioners of Trade against an Act past in Carolina, March 1, 170<sup>o</sup>, *for the better regulating the proceedings of the Court of Admiralty, etc.*, the copy of which Bill transmitted us came not to our hands, or we have not the same by us, therefore we direct you, with our Grand Assembly, to inspect into the same, and to make all the necessary and due alterations therein, and send us the same for our determination. You are to transmit to us, as soon as you can conveniently get it handsomely transcribed, a full and exact account of our yearly rents. *Signed as preceding.* [C.O. 5, 289. pp. 93, 94.]

June 18. 616. Copy of Commission from the Lords Proprietors of Carolina to James Moore to be Receiver General of South Carolina. *Signed as preceding.* [C.O. 5, 289. p. 95.]

June 18. 617. Copy of Instructions from the Lords Proprietors of Carolina for James Moore, Receiver General. *Signed, J. Granville, Palatine, Craven, J. Granville for Lord Carteret.* [C.O. 5, 289. pp. 96, 97.]

June 18. 618. Copy of Commission from the Lords Proprietors of Carolina to Job Howes to be Surveyor General of South Carolina. *Signed, J. Granville, Palatine, Craven, J. Granville for Lord Carteret, J. Colleton.* [C.O. 5, 289. p. 97.]

June 18. 619. Copy of Instructions from the Lords Proprietors of Carolina to Job Howes, Surveyor General of South Carolina. *Signed as preceding.* [C.O. 5, 289. pp. 98, 99.]

June 18. 620. Copy of Commissions from the Lords Proprietors of Carolina to Governor Sir Nathaniel Johnson, James Moore, Receiver General, Nicholas Trott, Attorney General and Job Howes, Surveyor General, to grant, sell, and convey lands in fee and to examine and audit accounts. [C.O. 5, 289. p. 99.]

June 18. 621. Copy of warrant from the Rt. Hon. John Granville, P.C., Palatine, and Guardian to John, Lord Carteret, one of the true

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and absolute Lords Proprietors of Carolina, appointing Thomas Broughton to be a Lord Proprietor's Deputy for the said John, Lord Carteret. *Signed*, J. Granville, Palatine. *Mem.* Another warrant of the same date was signed by my Lord Craven constituting John Berisford to be his Lordship's Deputy in Carolina. [C.O. 5, 289. *p.* 100.]

June 18. **622.** Lords Proprietors of Carolina to James Moore, Receiver General of South Carolina. Warrant to pay Governor Sir Nathaniel Johnson 200*l.* *per annum* for his salary. [C.O. 5, 289. *p.* 100.]

June 18. **623.** Copy of Commission and Instructions from the Lords and Proprietors of the Bahama Islands in America, to Edward Birch, Governor of Providence and Eleutheria, and the rest of the Bahama Islands. *Similar* to that formerly granted to Nicholas Trott, "as it is entered down in the second Great Book belonging to the Lords Proprietors," with these additional Instructions:—(xi) You are to receive for our use  $\frac{1}{10}$ th part of all the salt gathered on Axuma, or any other of our Islands, as also the  $\frac{1}{10}$ ths and  $\frac{1}{5}$ ths of our royalties according to the reservations in the respective licenses granted to persons to fish for and take the same. (xii) You are to keep exact account of all you receive for us, and to ship the same for England, and consign the same to us, and for your pains to receive the  $\frac{1}{7}$ th part of our share reserved to yourself. You are in conjunction with three or more of our Deputies with all convenient speed to inspect into and examine upon oath the particular occasions of the late disturbances between our late Governor Col. Haskett and the inhabitants, and to cause all and singular the goods, money and effects whatsoever of the said Col. Haskett seized upon in the said commotion to be restored and laid up till all parties on both sides can be heard, that the injured may have right done them. 2,000 pieces of eight of the money seized were the effects of us, the Lords Proprietors, and a quarter share of the *Providence* galley, which Col. Haskett brought with him from England. doe belong to our Palatine, and another quarter share to my Lord Craven. Of your proceedings herein you are not to fail of sending us notice, in order for our further Instructions. *Signed*, J. Granville, Palatine, Craven, Berkeley, J. Granville from Lord Carteret, J. Colleton. [C.O. 5, 289. *pp.* 101, 102.]

June 18. **624.** Full Copy of above Commission. *Signed as preceding.* *Endorsed*, Recd. July 16, 1702.  $4\frac{1}{2}$  *pp.* [C.O. 5, 1261. *No.* 120; and 5, 1290. *pp.* 131–135.]

June 18. **625.** Copy of first part of above Instructions. *Signed as preceding.* *Endorsed*, Recd. July 16, 1702.  $3\frac{1}{2}$  *pp.* [C.O. 5, 1261. *No.* 121; and 5, 1290. *pp.* 136–141.]

June 18. **626.** E. Dummer [? to the Council of Trade and Plantations]. London. Proposed terms for settling a Monthly Intelligence between England and the West Indies. *Signed*, E. Dummer. [C.O. 323, 3. *pp.* 168, 169.]

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June 18. **627.** Council of Trade and Plantations to the Queen. *Refer to Governor Selwyn's letter of April 10. and his death.* We humbly offer that the authority and presence of a Governor-in-Chief is absolutely necessary to prevent the inhabitants falling into their former dissents, and, to the end that no time be lost in forwarding the fortifications, your Majesty give your Royal order to the Commander-in-Chief for the time being to use his best endeavours with the Assembly that they make provisions of money and materials for the building the Fort mentioned. *Signed, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior.* [C.O. 138, 10. pp. 340, 341.]

June 18. **628.** Journal of Council of Trade and Plantations. Letter to the Commissioners of Customs signed.

Letter from Col. Beckford, Jamaica, April 9, read.

Representation upon the present state of Jamaica signed.

Mr. Dummer laid before the Board a proposal of terms for putting in practice a monthly intelligence between England and the Island Plantations in the West Indies, which was read. He was directed to call to-morrow.

Mr. Randolph laid before the Board a paper concerning Col. Hamilton's conduct in West New Jersey in relation to illegal trade, which was read.

Mr. Blathwayt communicated to the Board a letter from Mr. Burchet, by order of H.R.H., relating to a proposal that the ships of war appointed to attend on New England, may return to England in the winter, and others be sent in a proper season in their stead, which was read.

June 19. Letter to the Lord Cornbury in favour of Mr. Graham signed.

A paper drawn by Major-General Selwyn at Jamaica, relating to the powers of Admirals, was communicated to the Board and read. Mr. Dummer, attending, his proposals were considered. Directions given for preparing an answer to Lord Nottingham on that subject. [C.O. 391, 15. pp. 92-95; and 391, 96. Nos. 108, 109.]

June 18. **629.** Minutes of Council in Assembly of Virginia. This day being appointed for performing the solemnity of proclaiming H.M. Queen Anne, and but few of the Gentlemen of the Council come to town, the Council adjourned.

June 19. *See following abstracts.*

June 20. The House adjourned. [C.O. 5, 1409. pp. 617, 618.]

June 18. **630.** Journal of House of Burgesses of Virginia. H.E desiring the House to attend the solemnity of proclaiming the Queen, resolved accordingly.

Resolved, that it be a standing rule that 15 members with the Speaker be a sufficient number to adjourn.

June 19. Letter from the Privy Council to H.E. notifying the death of King William etc. sent down. H.E. acquainting the House that H.E. and Council intend immediately to proceed to the proclaiming of her Majesty, and desiring the concurrence of the Burgesses, the House signified that it was ready to attend.

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June 20.

The following Members took their oaths and seats as Burgesses : William Basset, New Kent County ; John and Nathaniel West, King William County ; James Taylor, King and Queen County ; Adam Thorowgood, Princess Anne County.

The return upon the writ for election of Burgesses in King William being read, ordered that a Committee for Elections and Privileges be appointed on Monday.

Miles Cary, jr., being Clerk of the Committee of Claims and of the Court of Warwick County, was granted leave to attend the latter on Monday.

Miles Cary, a Member of the House, granted leave to attend that Court. [C.O. 5, 1408. pp. 427-429.]

June 19.

**631.** A state of the Admiral's new power and the inconvenience. [A paper drawn by Major-General Selwyn, late Governor of Jamaica, about the powers given to Admirals of Squadrons to press men in the Plantations.] He [? *Benbow*] has gained from the Admiralty two points ; (1) To make a distinction in the colours of Jacks commissioned by Governors. (2) To press, with my permission, as well land-men as sea-men, at least such land-men as has served at sea.

The first of these points makes my colours subordinate to his, which are the King's, and consequently claims a right to command wherever he meets them, this takes off the independency the privateers ought to have from any King's ship, without which they will not be induced to settle with us for fear of pressing. As to the second point, my authority reaches no further then the sight of the Island and Harbours of Port Royal for protection, now whenever I deny him to press, tho' unreasonably demanded, he may and will take men where he can find them, out of sight of the Island, and the words " Landmen " will justify him to press inhabitants and privateers. this point absolutely ruins the whole bysiness of privateers settling here and will make them all run to Currisaw, by which the Dutch will reap the benefit from the English, unless independent from the King's ships, and secure from pressing. The pressing Landmen is the greatest grievance imaginable in this country, which is almost undone for want of white men, the sense of which made these people pass a law to pay eight pounds per every head for passages from England, and for encouragement to bring white servants, artificers, etc., which is much more then ever the King or Parliament allowed for raising soldiers. This Law expired last summer, and the mutinous Assembly would not receive it, nor will any Assembly ever do it, if their people may be prest. The only way in nature that can be thought of to man the King's ships is to send supernumerary sailors in merchants ships to recruit the men-of-war in these parts, for this country, that has not above three thousand white men fit to bear arms, will rather be ruined than protected by a fleet that dispeoples them. *No signature. Endorsed, Recd.* Read June 19, 1702. 2 pp. [C.O. 137, 5. No. 69 ; and 138, 10. pp. 342, 343.]

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June 19.

**632.** Council of Trade and Plantations to Governor Lord Cornbury. A petition having been presented to us by Mr. Augustin Graham relating to the place of Surveyor-General of the Province of New York, and Graham appearing to us a person very well inclined to H.M. service, we send your Lordship a copy thereof, to do therein as your Lordship shall think most fit. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen. [C.O. 5. 1119. pp. 144, 145.]

June 19.

**633.** Minutes of Council of the Massachusetts Bay. Upon reading at the Board H.M. Proclamation for the encouragement of piety and virtue, and for the preventing and punishing of vice, prophaneness and immorality. Whitehall, March 26, 1702, advised that H.E. do order the reprinting of it, and that it be from time to time publickly read in all Courts of Justice within this Province immediately before the charge be given to the Grand Jury, and do thereto subjoin a Proclamation requiring all Judges, Justices of the Peace, Grand-jurors, tything men, and all other officers, civil and military, etc., to do all that in them lies to detect, discover, bring forth and convict all persons transgressing and offending against the wholesome laws and statutes made and provided for the suppressing and punishing of excessive drinking, blasphemy, profane-cursing and swearing, lewdness, profanation of the Lord's day, and other dissolute, immoral, and disorderly practices, and to take effectual care that the Laws against such be vigorously put in execution, and by the piety and virtue of their own lives and conversations do invite others to a desirable imitation thereof; and further recommending it to the Ministers of the several Congregations publickly to read the said Proclamation the next Lord's Day after the receipt thereof, immediately after the ending of Divine Worship in the afternoon, and to enforce the same with a suitable exhortation, and so once every quarter.

12*l.* paid to the Town of Dunstable towards the maintenance of their Minister.

June 20.

H.E. acquainted the Board, that by intelligence from England last night he was notified of the Declaration of War, but had no Order from H.M. to publish the same here. He proposed that notice be given to the Captains of H.M. ships of war now in port, as also to all the Officers for the clearing of vessels outward bound, that the Commanders may have the necessary precaution to take care of themselves; that expresses be forthwith dispatched by a small vessel to be sent to H.M. Forts at Saco and Casco-bay, to notify the Commanders to inform the Indians thereof, and withal to assure them of the friendship and protection of H.M. Government, as also to notify the *Province* galley, now in the Eastern parts, and the fishing vessels at the Isles of Shoals, Richmond's Island, Cape Newaggin, Pemaquid, Monhegan and Cape Sables; also that the chief officer of each regiment of militia be notified thereof, and be directed to order the commanding officer of each company or troop to be watchful in their several posts. The Council agreed, and also advised H.E. to direct

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Major Jonathan Tyng to use all proper means to persuade Wattanuman and George Tohanto, the two principal Indians at Pennicooke, to attend H.E. and Council in Boston.

The dispatches eastward were sent by Thomas Downing, of Salem, Commander of the ketch *Endeavour*.

Memorial of John Phillips, Penn Townsend, Nathaniel Byfield, and John Nelson, of their Treaty with the Eastern Indians last spring, read.

H.E. appointed June 27 for the nomination of Judges, Justices, etc., and ordered the Members of Council to be summoned to attend.

H.E. having received a letter this afternoon by the Post from Lord Cornbury, June 13, enclosing a Proclamation for apprehending Thomas Weaver, who, having been suspended by his Lordship from his office of Collector and Receiver-General of New York, had since, in manifest contempt of an order by H.E. and Council, refused to deliver unto the Commissioners appointed by H.E. the books and papers belonging to H.M. in his hands, but conceals himself with intent to avoid accompting with the said Commissioners; 100 pieces of eight offered as a reward to such person as shall apprehend and convey him to Lord Cornbury; Advised that a Proclamation be published for his apprehension accordingly. [C.O. 5, 788. pp. 159-162.]

June 19.

**634.** Minutes of Council in Assembly of the Massachusetts Bay. Committee of the two Houses appointed to consider James Taylor's report. He was anew chosen Treasurer and Receiver-General.

The public Accounts for 1701 were sent up with a resolve of the Representatives for passing them.

Bill for granting to H.M. a tax upon polls and estates, sent up, was read a first time.

Report upon the public stores of gunpowder, sent up, was read. Ordered that it be read again to-morrow, and that Capt. Timothy Clarke, and any others that can say anything thereto, attend.

June 20.

*See preceding abstract under date.* [C.O. 5, 788. pp. 353-355.]

June 19.

**635.** Minutes of Council of Virginia. The proclaiming of H.M., appointed for yesterday, was delayed till to-day by reason that the badness of the weather had prevented several of the Gentlemen of the Council and House of Burgesses from coming to town so soon as was expected, and that the funeral ceremonies of his late Majesty continued till almost night. Upon considering of the most solemn manner for proclaiming H.M., ordered that Mr. Speaker and the House of Burgesses be acquainted that H.E. and the Hon. Council intend forthwith to proceed to the performing the same, and desire their concurrence.

June 20.

Capt. James Moodie, H.M.S. *Southampton*, representing that his provisions are near expended, and desiring an order for victualling the ship and that he might be supplied with victuals on credit, was acquainted that there were several Gentlemen

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in the country who could supply him, if he would secure them as to payment: but that several persons having received bills on the Victualling Office for sums expended on the ships of war formerly here, whereof no payment could be procured, it was to be feared no credit would be had. Capt. Moodie then withdrew. Ordered that a warrant be prepared to be signed by H.E. giving leave to Capt. Moodie to victual his ship for such time and in such manner as he shall judge most convenient and necessary for H.M. service.

Edmund Jennings presenting a Commission under the Great Seal, Feb. 2, 1702, appointing him Secretary of this Colony, ordered that a form of an oath and a bond be prepared.

Capt. John Taylor, Clerk of Charles City County, petitioning for leave to officiate by Deputy, during his absence for his health in England, it was the opinion of H.E. and Council that he could not be authorised to do so, but that he be allowed to recommend a person qualified for that office. [C.O. 5, 1409. pp. 235, 236.]

June 20. **636.** Copy of a Commission for constituting Capt. Thomas Handsyde Lieutenant-Governor of Jamaica in case of the death or absence of Col Brewer. Given at the Court of St. James's, June 20, 1702. *Countersigned*, Nottingham. *Endorsed*, Reed. Read Dec. 9, 1702. 1½ pp. [C.O. 137, 5. No. 70; and 137, 45. No. 9; and 138, 10. pp. 395, 396.]

June 22. **637.** Earl of Nottingham to the Council of Trade and Whitehall. Plantations. The Queen commands me to transmit the enclosed paper for your report. *Signed*, Nottingham. *Endorsed*, Reed. 23, Read June 29, 1702. 1 p. *Enclosed*,

637. i. William Penn to the Queen. The Bill in Parliament this time twelve moneths, relating to Proprietary Charters, obliging my hasty return for England, I left Col. Andrew Hamilton, Governor under the Proprietaries of East and West Jersey, my Lieut. in the Province of Pennsylvania, being but cross an Inland River, and the only person capable of that station besides him that I was obliged to lay aside by the late King's commands. *Prays for* H.M. Royal Approbation of him, "which had been sooner sought, had not my own long illness after my arrival, the King's death, and the expectation of having the Bill renewed in Parliament delayed my application for it." *Signed*, Wm. Penn. 1 p. [C.O. 5, 1261. Nos. 115, 115.i.; and 5, 1290. pp. 94, 95.]

June 22. **638.** William Penn to the Council of Trade and Plantations. 22<sup>nd</sup> (Jn). Honble. Friends. I enclose my rejoinder to Col. Quary's reply: also a memorial that comes up to the substance of his charge, which I am ready to disprove, that by so doeing you may think more favourably of wt. distance and time deny the possibility of doing. My health, the season and my family affairs call me out of town, so that I pray for a conclusion of these attendencyes, that cannot be pleasant to you and I am sure are very uneasy

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to your respectfull friend, *Signed*, Wm. Penn. *Endorsed*, Recd. Read June 23, 1702. *Addressed*. *Holograph*. 1 p. *Enclosed*,

638. i. A Memorial relating to the complaints against Pennsylvania. *Enumerates six heads*. [See *Cal.* *passim*.] I am ready to disprove 'em by much better authorities [than those of Col. Quary], tho' no ways oblig'd thereunto, that, if possible, we may not lie under *the ill opinion* [of the Board] from his clamours. *Signed*, Wm. Penn. 1 $\frac{3}{4}$  pp.

638. ii. William Penn to the Council of Trade and Plantations. Rejoinder to Col. Quary's Reply to my First Answer to his Informations about Irregular Trade in my Government. (1) I never heard but of one vessel that played us such a trick. And when he can prove more, and that to my knowledge, I shall have as mean an opinion of my own memory, as I have of his sincerity. (2) An assertion without proof; nor has enough in it for an amusement. But if the Acts made there against illegal trade are not allowed to be Acts, it is by Col. Quary and his adherents, and therefore no wonder if they had not answered the end of making them. (3) I stand to the reasonableness of my Commission for a water-bailiff. And for him that drew it, he was a Naval Officer of New York, when I came away, which was long after Lord Bellamont's death. (4) I find nothing to answer. (5) He is pleased to call my answer about the Indians a quibble; which, and Capt. Le Fort's ample relation about my Treaty and Commerce with them (of which he was a witness) rather renders my dealing with them a merit than a fault. (6) Deserves no further answer. (7) As he says, the like may suffice in rejoinder to his reply. (8) I had a grant from H.R.H. James Duke of York and Albany in '82, and had possession solemnly given by President Moll and Ephraim Hermon, the Duke's Commissioners in the same year, all which is upon record at the Castle of New York, and that is all the satisfaction he and his employers shall have from me. And till the Law has determined otherwise, I shall expect obedience from those that are under my Government, at their own peril; the late King having already given sanction to many Laws made by the Upper and Lower Counties conjointly. Nor can I think it a time of day to play the critick upon government; and I hope none who seek the Queen's Peace and the Colonies' prosperity will give the least shadow of encouragement and slacken people's obedience unto settled authorities. (9) I desire an authentick copy of his certificate, that he and they too may take their issue upon the truth or falsehood thereof, compared with the Minutes of Council and Records of Courts in the Provinces. (10) I hope the Board does not expect I should prove a negative for him, who ought to prove his affirmation;

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or that I should prove or disprove matters at 3,000 miles distance, upon a private man's accusations, at such short warning; nor look upon anything he has said as truth, till the persons accus'd have had time to know and answer his informations. (11) The petition to the Queen is grounded upon a falsehood. For, Byfield's letter of attorney gave no power to ask for an appeal; I deny that his attorney was refused an appeal; Byfield denied before the Board that he made it any part of his Instructions, that he would not venture his cause without a sworn jury, tho' Col. Quary made the Judge's refusal of such a jury to be the reason why an appeal was asked for by Moor, wch. he untruly says was denied him; lastly, Byfield, before the Board, agreed to a reference for the ending of the suit depending. (12) I have the opinion of the Queen's Chief Justice of New York in favour of my appointment of a Lieut.-Governor, especially under the dilemma I stood. But that there is, as he asserts, any man in that Province as capable of that imployment as he that has it (except Col. Markham, whom I was commanded to turn out) will, in America, be none of the meanest instances of Col. Quary's disingenuity to this Board; and I believe it will, in a little time, be proved that before Col. Hamilton had my appointment, he had received Col. Quary's concurrence.

638. iii. William Penn to the Council of Trade and Plantations. Rejoinder to Col. Quary's reply to my second answer to his second Memorial of Complaints. (1) I refer to my answer, and desire the state of the case he saies he shall be ready to lay before the Board. But I must need say that I am astonished at his hardiness that he can deny under his hand what he has more than once said with his mouth. I can forgive him this unaccountable part he acts; but not his untruth. (2) I refer to the Charter of Philadelphia. And if beyond the power of my Patent, they are easily retrenched, and are void in themselves. (3) His third Article begs the question; the Act of 7 and 8 William III saying more for it than against it. But, to use his own words, I shall only add this hint, that his friend Jasper Yates, who is one of his subscribers, has been reput'd as old and as great an offender, especially in the Curraso Trade, and one of those, doubtless, that he thinks every way as capable of being a Deputy Governor as Col. Hamilton. (4) I remember not what he acquainted me with of Parmiter in Pennsilvania, nor do I know what his copy of the Records from Bristol saies about him, but this I know, that he has not proved that I made him Attorney-General, which is my point upon Col. Quary, and I must expect it from him; yet if he had, after such an example as Lord Bellomont, and the recommendations of men of

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undoubted virtue and reputation, his penitency, and the King's Grace, and what has elsewhere been practised in the Queen's Colonies, I am to learn my transgression. And after that D. Lloyd could not serve in that station, and J. Moor, the King's Advocate, told me he would not (who were the two only lawyers in the Province) necessity were answer enough to his exception. (5) and (6) I know not where the Dedimus is, much less that it was concealed out of design, and I think I have very little reason to trouble myself about it, after he has had the confidence to threaten me before the Board, that if he had had it at my arrival in the Province, he would have disputed my qualification. But I have a much better opinion of his discretion there than here, and wish heartily to be once more there, to try his resolution. *Signed*, Wm. Penn. *The whole*, 5 pp. [C.O. 5, 1261. Nos. 116, 116.i., 117, 117.i.; and 5, 1290. pp. 45-54.]

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**639.** Council of Trade and Plantations to the Earl of Nottingham. We have considered Mr. Dummer's proposals [June 18, etc.]. The settling of such a correspondence with the West Indies will be of great use to H.M. service, and of very much advantage to the Plantation Trade, especially during the war. Mr. Dummer's first scheme, for each of his four vessels to call regularly every voyage at Barbados, Antegoa, Mountserat, Nevis and Jamaica, is more than can be performed by the vessels in the time. These vessels may sail directly to Antegoa, the windermost of the Leeward Islands, leaving there all letters except those for Barbados, without making any stay; and that they proceed from thence to Barbados and return after 2 days to Antegoa for letters, and return directly to England. Jamaica lying so far to the Leeward of those Islands, does, for the importance of the place, deserve a distinct settlement of the same kind. The ships to be appointed for that service should sail directly thither, calling at Nevis, and leaving there such letters as they have for those parts [*the Leeward Islands*]. The like provision is requisite for H.M. Plantations on the Continent, and that the Post Office there may conveniently be settled at Cape Hinlopen or Lewis Town as the nearest centre of the Continent. Each of these services will require four vessels to sail and return in the course proposed by Mr. Dummer. But if that number be too burdensome or chargeable for the first undertaking, a lesser number for each service may be made use of. We propose that the Port in England from which they may regularly sail be Falmouth, and that they be directed also to return thither, or to the first Port of England they can best make. As to the charge, we humbly leave it to the Post Office and Navy Office. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 324, 8. pp. 170-172.]

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June 22. **640.** Journal of Council of Trade and Plantations. A new Commission, dated June 19, granted by H.M. for *promoting the Trade of this Kingdome and for inspecting and improving her Plantations in America*, being brought to the Board, wherein H.R.H. the Prince of Denmark, as Lord High Admiral of England, is first nominated, their Lordships were pleased to signify the same in a letter to H.R.H.'s Commissioners, and to direct the Secretary to make the like signification to the Lords and others named in the said Commission.

Letter to the Earl of Nottingham signed.

June 23. *Present*, Lord Viscount Weymouth, Lord Bishop of London, Lord Dartmouth, Mr. Chancellor of the Exchequer, Mr. Cecil, Sir Ph. Meadows, Mr. Blathwayt, Mr. Pollexfen. H.M. Commission was opened and read, whereby the Lord Bishop of London is added to the great officers named in former Commissions, who are not obliged to constant attendances, and they with the Lord Viscount Weymouth, Lord Dartmouth, Sir Philip Meadows, Mr. Blathwayt, Mr. Pollexfen, Mr. Stepney, Mr. Prior, and Mr. Cecil are appointed Commissioners for promoting Trade, etc. William Popple was continued as Secretary. An account of the officers employed in the service of this Board ordered.

Col. Quary being upon his return to the Plantations and intending to depart to-morrow, his Memorial of the 11th was considered, and directions given for preparing a letter to the Earl of Nottingham.

Letter, etc., from Mr. Penn, June 22, read. Directions for an answer given.

Directions for an answer to Sir John Cooke, June 13, given.

Directions for an answer to Mr. Burchett, June 16, given.

Their Lordships appointed their ordinary meetings to be henceforwards on Mondays and Wednesdays at 4 p.m., and on Tuesdays, Thursdays and Fridays at 10 a.m.

June 24. Letter to Lord Nottingham signed and sent.

Letter to Col. Quary signed and delivered to Mr. Bass.

Mr. Randolph acquainted the Board that he is now upon his departure for America, and desired that he may be favourably remembered in case any opportunity offer of procuring him some employment, which may afford him a competent subsistence in England. Their Lordships assuring him of their readiness to assist him, desired him to continue his correspondence as formerly. The Lord Grey desired their Lordships to report upon the Act of Barbadoes, Nov. 17, for a present to him of 2,000*l.*, that he may have H.M. leave to receive the same. Report to that effect agreed upon. [C.O. 391, 15. pp. 95-102; and 391, 96. Nos. 110-112.]

June 22. **641.** Minutes of Council of the Massachusetts Bay. Advised that Major John March be appointed Commander and Truck Master at the Fort at Casco Bay. [C.O. 5, 788. pp. 162, 163.]

June 22. **642.** Minutes of Council in Assembly of the Massachusetts Bay. Order for continuing the Committee for granting debentures

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for service done in the time of Sir Edmund Andros, his Government, was passed and sent down.

Bill for granting a tax upon polls and estates was read a second time. Joint Committee of the two Houses, as proposed by the Representatives, was appointed to prepare an Address to H.M. thankfully acknowledging H.M. favour in so easily and graciously settling the Government of this Province, etc.

June 23.

Report upon the stores of powder considered.

Order for continuing the Committee for granting debentures, etc., sent down yesterday, was returned with the concurrence of the Representatives.

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Joseph Hammond, a new elected Councillor, took the oaths, etc., appointed.

Address to H.M. brought in.

Bill for granting a poll-tax, etc., read a third time, and a clause added and sent down.

The Board proposed the appointment of a Joint Committee to consider the reference in H.E.'s Speech to a fortification at Pemaquid.

Message sent down to enquire if the Representatives had considered the motion formerly made to them by the Board for proposing a method for the more equal proportioning of the Towns to public assessments, and to propose a joint Committee.

The Representatives sent up a resolution granting H.E. a present of 500*l.* A Bill was accordingly drawn up and read twice.

Address to H.M. read a first and second time.

Bill for granting unto H.M. a tax upon polls and estates, returned by the Representatives with their agreement to the amendment proposed, was passed.

200*l.* allowed to James Taylor as Treasurer for the year past.  
[C.O. 5, 788. pp. 355-358.]

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**643.** Minutes of Council of Virginia. Whereas the Lord High Admiral hath sent several men-of-war to this Colony for the security of the merchants ships loading here, under the command of Capt. Francis Dove, H.M.S. *Warwick*, who, by his Instructions, is to sail with the first fair wind after July 20, a General Embargo is hereby laid on all ships until the departure of the Fleet. No ship to be cleared after July 10. Collectors and Naval Officers to take bond of the masters of ships pursuant to Act of Assembly. Capt. Moodie to cruise in Linhaven Bay to stop ships attempting to sail before the Fleet.

Ordered that the Naval Officers account with the Auditor to July 10th, and that a Council and Audit be held July 14th. H.E. laid before the Council a letter from Col. Jno. Curtis excusing his absence by reason of the gout.

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Edward Jenings tooke the oaths, etc., as Secretary, and entered into a bond in 5,000*l.* with Peter Beverley, William Tayloe and Garvin Corbin.

Upon considering how the money arising by the sale of the cargo sent in for the French Refugees may be best employed, for their general advantage, ordered that Mr. Auditor Byrd lay

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out 300*l.* for purchasing cattle and hogs, and proportion the same amongst such of the Refugees who are in greatest want, according to his discretion ; the remainder to be laid out in necessaries for building and cloathing, which he is to send to England for, viz. broad and narrow axes, hoes and nails, half thicks, kerseys, pennistones, cottons, stockings, shoes, blue linen, brown and coloured thread, buttons, etc. Mr. Auditor Byrd complaining that Capt. John Talliaferro, late Sheriff of Essex, hath given no account of the quit-rents for 1701, ordered that Thomas Merriweather, the present Sheriff, require him forthwith to bring those accounts to Williamsburgh, and make payment accordingly.

H.E. acquainting the Council that H.M. Advice-boat *Eagle* was arrived from Maryland, but by order of the Governor of Maryland was to return thither with all speed ; the Council was of opinion that it is for H.M. service that the *Eagle* be ordered to attend this Colony in order to stop any ships running away before the Fleet sails ; and therefore desire H.E. to write to the Governor of Maryland, that if he has no immediate use for her, within his own Government, he will please to order the same down hither as soon as possible. [C.O. 5, 1409. pp. 237-239.]

June 22. **644.** Minutes of Council in Assembly of Virginia. *See preceding abstract.*

Petitions of James Adams, Indian Interpreter, and the Vestry of Norfolk, referred to the Burgesses.

June 23. *See preceding and following abstracts.*

Petition of John Waller, for leave to patent some land lying in Pamunkee Neck, referred to the Burgesses. [C.O. 5, 1409. pp. 619-622.]

June 22. **645.** Journal of House of Burgesses of Virginia. William Randolph, jnr., was appointed Clerk of the Committee for Election and Privileges.

Richard Morris, John Remington, John Hix, and Anthony Evans were continued Doorkeepers to the House.

Standing Orders confirmed.

Message from H.E. and Council read, that the time fixed for the departure of the convoy drawing nigh, they lay before the House the order they intend to issue for laying a general imbargo until that time.

Returns upon writs read and referred to Committee.

June 23. Upon report of the above Committee, it was resolved that the new Burgesses [*see* June 20] were duly elected.

Resolved, that no Committees be appointed.

Message from H.E. and Council read :—Whereas it hath been represented to H.E. by Col. Wm. Leigh, Commander-in-Chief of the Militia in King and Queen County, that William Byrd, of the same County, did, May 28, publish divers false, seditious and scandalous reports highly reflecting on the honour and justice of H.E., the Hon. Council, and the worshipful House of Burgesses, and leading much to the raising sedition in the minds of H.M.

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loving subjects, H.E. and the Hon. Council have thought fit to lay before this House the several depositions, etc., that the House may take such course as they shall judge necessary for vindicating the honour of the Government, quieting the minds of H.M. subjects, and preventing the spreading of such dangerous and seditious reports for the future.

Resolved, that William Byrd, in saying that this Assembly were about to raise a tax upon the people in this country, which would amount to 17,000 pounds [? tobacco] for the use of the College, and that Col. William Leigh had consented to it, is guilty of a seditious, scandalous, malicious and utterly false report. That the report he made that Nathaniel Harrison and George Marable were taken into custody about giving the Speaker 10,000lb. of tobacco, is seditious, scandalous, malicious and utterly false.

Copies of the said resolves ordered to be published in the County Court, Churches and Chapels of King and Queen County.

Messages from H.E. and Council read, that they, taking into consideration the danger the Records are exposed to by being lodged in the College, propose that a Committee of the two Houses inspect the Capitol, and that directions may be given for the speedy fitting up of rooms for the reception of the Records and holding the General Courts. Copy of the resolve of the House, that no Committee be appointed, was thereupon sent up.

Letter from William Byrd, June 22, 1702, saying that he had received a letter from his son concerning the affairs of this House committed to his charge, was read and referred to next sessions. The thanks of the House were ordered to be given to him for his care in transmitting to our Agent in England the several matters relating to this Colony, according to the desire of the House.

The Burgesses were summoned by H.E., who addressed them as follows:—"It having pleased Almighty God that no surprises, insurrection or invasion hath happened here, H.M. Council and myself have raised no forces, but how soon there may be occasion for so doing, is not possible for me to know. Therefore I do most earnestly recommend to you to find some way or other to secure (with Almighty God's assistance) this H.M. Colony and Dominion from any alarm, surprise, insurrection or invasion. I do likewise recommend to you the perfecting of those matters which you referred to this Session, as likewise that a loyal and dutiful Address may be drawne, signed and sent to her most sacred Majesty on her accession to the Throne of her ancestors."

Ordered that H.E.'s speech be considered to-morrow. Mr. Ballard was granted leave of absence.

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Message from H.E. read:—I have received your vote concerning Committees, and considering the busy time of the year, I hope you did it for expedition sake, and pursuant to the method of the House of Commons, when commonly one or more Members are ordered to draw the necessary Bills. I am also in hopes that you will go on as cheerfully and unanimously in this Assembly as the Parliament of England did notwithstanding the unfortunate death of the late King.

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The House resolved to consider H.E.'s speech as a House, and not as a Committee of the whole House.

Resolved, that the ordinance of last Session giving power to the Governor, with advice of the Council, upon any alarm, etc., to levy suitable forces to be paid by the public, is a sufficient provision for the security of this country, until there be a Session of Assembly.

Resolved, that the several references made last Session stand referred till a Session of Assembly.

Resolved, that an Humble Address be prepared to congratulate H.M. happy accession to the thrown of her ancestors.

Ordered, at H.E.'s request, that copies of the resolves of the House upon the reports spread abroad by William Bird of King and Queen County, be sent to H.E.

Address to H.M. agreed to—*concludes* : “ We will be always ready to hazard our lives and fortunes for the preservation and defence of your Majesty's sacred person and government.”

June 25.

The above Address signed.

Joseph Ball and Alexander Spence excused attendance until the recovery of their health.

Address to H.E. on his Speech signed and sent up. *Embodies resolutions of June 24 supra, and concludes* :—“ In consideration of this hot season of the year, and the short time set for departure of the ships, we have not reserved anything for present consideration which has come before us.”

The House attended H.E. with their Address of congratulation to H.M. [C.O. 5, 1408. pp. 429–439.]

June 22.

**646.** Attorney General to the Council of Trade and Plantations. I have considered of an Act passed at St. Christopher's, June 18, 1701, *for the settling and strengthening H.M. part of this Island*, and have heard Councell as well for the Act as for William Freeman and other the petitions against the same, and do conceive the Act to be unreasonable and unjust in several points, particularly (1) For that the attainting of persons not named, who joined with the French in the late war or remained among them after the war, will be of no use, for that no such persons can be by Law executed without a tryall any more now than before this Act was made, and it may be of ill consequence, and ill use may be made of attainders of persons not named in the Plantations, where the methods of Law are not so well known as here; for it's probable it was intended by the Promoters of this Law (and may be practised if this Law should be approved) to execute persons on this Law without tryall. (2) For that it seems unjust to attaint persons, who being conquered did not quit their habitations, but submitted to the power they could not resist. (3) For that it is unreasonable to destroy all titles in the Crown or their grantees of above 12 years standing, it not being restrained to such who had not had possession or commenced their suits within that time: (4) and to make patents void that were passed by the Governors without the consent of the Council, unless the Law there be so; and if

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it be soe, this Law in that point is unnecessary, and if it be fit to leave those titles to be determined by the Law; (5) and to make patents void, because the Patentees had not, within three years after the making of them, improved what was granted, there not being as appears any Law that obliged them within any limited time to improve them; (6) and to declare all patents made to Papists since the beginning of the late war to be void, for that thereby their Assignments even to Protestants for valuable considerations will be made void also. For which reasons I am humbly of opinion that the Law is not fit to be approved. *Signed*, Edw. Northey. *Endorsed*, Recd. Read Oct. 22, 1702. 1 $\frac{1}{2}$  pp. [C.O. 152, 5. No. 1.; and 153, 8. pp. 116-118.]

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Whitehall.

**647.** William Popple to Sir John Cooke. The Lords Commissioners for Trade and Plantations having perused your answer of 13 inst., relating to the Courts of Admiralty, but not having yet received any answer from H.M. Attorney General, desire that you would please to confer with him thereupon, in order to such a concurrence in opinion as you may both find reasonable, and as may best tend to H.M. service. [C.O. 5, 1290. pp. 44, 45.]

[June 23.]

**648.** Copy of Col. Quary's Answer to Mr. Penn's complaints against him (June 18). I have not so much vanity as to pretend myself learned in the Civil Law, and Mr. Penn very well knows how very unwilling I was to accept of that Commission. I considered the difficulty that must attend it from a people that had so long practiced illegal trade and found the sweet of it. No consideration should have prevailed with me, but Mr. Penn's importunity and promises that both he and those in his Government should be aiding and assisting me, no part of which promises was ever performed, but, on the contrary, all the discouragement and opposition given me. If none but a person learned in the law must be Judge of the Vice-Admiralty in Pennsylvania, then H.M. must be without Justice there, or send a person so qualified from England. Before the Act of vii. and viii. of his late Majesty was made, and the Commission of the Admiralty sent into Pennsylvania, Mr. Penn's Lieutenant Governor (who, perhaps, knew as little of the Civil Law as myself) did as Judge of the Admiralty judge and determine the subjects' property without a jury. There was no complaint made then by Mr. Penn [n]or was it thought a grievance. But now, to execute H.M. Commission, tho' warranted by an Act of Parliament, is become, it seems, a crime in me. I hope H.M. will please, on Mr. Penn's recommendation, to appoint a person more learned in the Law than myself, but will presume to say that no man living hath or can serve H.M. with more true loyalty, zeal and justice, nor shall the effects of Mr. Penn's malice and revenge force me to quit my integrity.

(2) This charge is so general and trifling that it deserves no other Answer than that I have always taken due care not

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to exceed the power of H.M. Commission, which I am very well assured will justify me in what I have done and acted for Her service, so that I have no mercy to ask from Mr. Penn or his Government, which is a very great satisfaction to me, especially since I so very well know and have experienced his and their temper, principle and implacable revenge, and for no other reason than the just discharge of my duty in suppressing illegal trade and piracy. (3) It is true that I have had considerable dealings in that place, and should perhaps have continued it, had not myself and all others that trade fairly according to Law, and justly pay H.M. Customs, been discouraged by the notorious illegal trade carried on in Mr. Penn's country to and from Curesaw and Scotland, so that for some years past I have not had a cargo of goods from England to that place, nor do I ever design to be concerned any more in trade, or otherwise, than to get in what debts I have contracted. It seems very strange that Mr. Penn should make it matter of complaint that H.M. should commission a merchant to be Judge of her Court of Vice-Admiralty, when at the same time he hath commissioned merchants, or what is worse, mechanicks, to be Judges of all the Courts in his Province, both law and equity. Mr. Penn very well knows that I am acquainted with all the ways and means used to carry on the illegal trades of his country, and that, notwithstanding all the discouragements I have hitherto met with from him and those Commissioners under him, yet that in some short time I shall be able to break the neck of that pernicious trade, so long practiced there, and so injurious to the trade of England and H.M. interests. This is the true motive of his complaint; besides, I must appeal to this honourable Board, whether a merchant clothed with H.M. authority and commission is not far better qualified to be Judge of the Vice-Admiralty, than Mr. Penn, who is a Layman, can pretend to be a Minister or Preacher. (4) That I have served H.M. about five years justly and faithfully is matter of fact, and if modesty would permit, could give some particular instances of my industry, labour, hazard and charge in pursuing H.M. interest, but I will rather appeal to this Board. I was always very well assured that H.M. will in her own time and way order the payment of my salary. But that ever I told Mr. Penn or any other person that I was to be paid out of H.M. Thirds of Forfeitures, is what I do absolutely deny. I am no stranger to Mr. Penn's sincerity, of which I will give one short instance; he was pleased, under the mask of friendship, to desire my advice in his choice of men fit to be made Justices. I gave him my opinion faithfully, and offered some reasons against his commissioning a certain gentleman. The charitable use which Mr. Penn made of my sincere and friendly dealing was to tell the gentleman that he would have made him a Justice, but was disuaded by me, and told him what I had said on that occasion. Mr. Penn's pious design was to set us together by the ears, to the hazard of one or both of our lives, and certainly after so barbarous an action it cannot be imagined that I should be so voyd of common-sense as to say anything to him more

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than what I would have published to the world. (5) This charge is very long and branched into many particulars. (i.) He tells a story of a sloop seized belonging to one Naylor. This was the very sloop that took from on board the Curesaw vessel, without the Capes, the claret wine, iron, bales of Holland, and other goods, and landed them in Pennsylvania. But tho' Mr. Penn is pleased to make a very slight matter of it, all the proceedings in that affair was according to Law and my duty. It was not truth that I either hired the sloop, or bought her, or objected the owner to sell her. (ii.) He desires that I may be asked if the Curesaw vessel was seized till the transgressors had sold her. It is not the practice of H.M. Court of Vice-Admiralty of Pennsylvania to seize any vessel before information be given of her having traded contrary to law, nor can we condemn any vessel before a trial, but as soon as the sloop was informed against, she was seized, and after a full tryal condemned, it being fully proved by the oath of the mate that there was shipped on the said sloop in Curesaw a quantity of claret wine, iron, several bales of Holland and other goods, which she brought to Delaware Bay, and put them on board Naylor's sloop. The fact was also owned by the merchant concerned, and came to Pennsylvania in the vessel with them. The deposition of the mate lies now before the Board. And now after a crime so notorious as this is, and so fully proved, why Mr. Penn should be so uneasy or complain that this vessel was seized and condemned, I know not; nor hath he reason to complain that it was not done sooner, since it was done so soon as the information was given. (iii.) Mr. Penn would know if Robert Webb, the Marshal, did not first inform against the *Callapatch*. He did not, but the information was given in by the Master of the sloop, on which she was condemned, but what ground Mr. Penn hath for this charge, I cannot find out. Sometimes he complains that I do admit the Queen's Officer to inform, and now he makes it matter of complaint that I did not. (iv.) The Board hath had a full hearing of the case of the *Providence*. I very well know that all the clamour and vexatious trouble I have met with in this affair was the effects of Mr. Penn's contrivance. The ship was condemned for not producing a Register. After condemnation, the ship and goods were kept twelve months in hopes that the owners would find some way in England to reverse that judgment, but nothing being done and the goods damaged and perished by lying, they were at last appraised by the public appraisers of the City, very honest men, and all things done according to Law. One third of the goods was delivered to Mr. Penn in specie, one third to the informer in specie, and the Queen's third put into the hands of a proper officer to dispose of for H.M. advantage. Mr. Penn says the goods were appraised at less than the true value; if it were so, how doth it affect me, since I neither get or lose by it?—for when the account of the goods is made up, what they amount to more than the appraisement, Her Majesty shall have credit for it, so that what room there is for Mr. Penn's clamour I cannot see, nor do I in the least value it. I have this satisfaction, that

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what I did in that case was confirmed by the High Court of Admiralty in England, and H.M. Attorney General hath given under his hand that the condemnation of that ship was according to Law, which is all I need to say to his malicious charge; and now to show his infallible Christian temper, he is pleased to ground his last heavy charge on no other foundation than this: It is suspected that Col. Quary the Advocate went halves in the  $\frac{1}{3}$ . Should the world treat Mr. Penn at this rate and publish what they have better ground to suspect of him, perhaps it would make his heart ake; but he thinks that he hath a priviledge to abuse all that dare speak truth of him. How far this squares with the character of a gentleman, or is consistent with pretensions to religion and infallibility, let the world judge. (vi.) I am now come to his charge, which is fear that the Queen hath been unfairly dealt with in other appraisements; and since Mr. Penn is now so much concerned for H.M. as to discover what he suspects or fears, I hope he will perfect so good a work by acquainting your Honours that there came to Pennsylvania directly from Denmark a ship loaden with wine, iron, copper, vessels, hemp, linen and other goods to the value of almost 3,000*l.* The ship lay at an anchor in sight of Philadelphia, and all the goods landed at noon-day at the wharf near the Governor's House and in his sight. When all the goods were landed, the merchant ordered all the sails, cables, anchors, and rigging even to her standing shrowds to be taken ashore; and when all was done, and the ship was left a perfect wreck, then his honour thought fit to show his zeal for the Laws, and ordered his officer to go and seize the ship, which was accordingly done, condemned, and sold again to the merchant for much less than 100*l.*, whereas the ship and goods was truly worth above 3,000*l.*, H.M. share of which is above 1,000*l.*, but instead of that there was never so much as the third of 100*l.* as yet paid, but still remains in that gentleman's hands. All and every part of this Mr. Penn knows to be true, and was proved to him, and for this great piece of service there was a gift of 100*l.* paid to this honourable person in ready money, which Mr. Penn also knows very well, and that I have and can still prove it. I hope he will lay this matter before this Board, to propose how H.M. share shall be paid. Mr. Penn can also tell your Honours of another ship that loaded tobacco without giving bond or security according to Law, and for what consideration she was cleared. I could instance many other cases of this nature, but I hope Mr. Penn will save me the labour. As to what he says, that he and myself lived well together till something happened, it was so; but I quickly found that he was so influenced by those in his Government, that it was impossible for me to continue a correspondency without betraying my trust. The reason he assigns for our difference, his appraising the  $\frac{1}{3}$  of Lumley's goods, can have no weight, since that in no way concerned me, having long before done my duty and what the Law required; for granting that the first appraisement was less than the full value, yet H.M. will have the advantage of it without the least benefit to me. His

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second reason, that he refused to let me condemn Gilham's goods;—it was my duty to press that they should be proceeded against according to Law, for goods illegally imported, whether by pirates or others, ought to be condemned, which gives H.M. a title to the third, whereas Mr. Penn keeps them all in his own hands without any trial or condemnation, or any pretence of a right to them, more than his arbitrary will. I do humbly propose that your Lordships will enquire into this affair. As to his third reason, I never either feared or valued any affidavits that he or his Government could send home against me. As to what he saith concerning my endeavours to recover my letter from New York, he mistakes the matter, for that concerned another thing. Had he known me guilty of any injustice towards H.M., it is strange he would not complain of it before this time; had he done it before I had exhibited and proved my charge against him on behalf of H.M., it would have looked like Justice, whereas now it must be judged by all the world to be the pure effect of malice and revenge. *Signed*, Robt. Quary. *Endorsed*, Recd. 23rd, Read 26 June, 1702.  $6\frac{1}{2}$  pp. [C.O. 5, 1261. No. 118; and 5, 1233. No. 38; and 5, 1290. pp. 71-87.]

June 23.  
Whitehall.

**649.** William Popple to William Penn. Your letter of 22nd inst., etc., has been read to the Lords Commissioners for Trade, who are yet in expectation of your answer to the three queries [of May 19th], and do also expect that you do inform them of your title to the soil and Government of the three Lower Counties, upon which subject you promised at their Board the 4th inst. to give them a final answer, (they not looking upon what you have exprest in the 8th article of your first rejoinder to be anyway satisfactory). Upon receiving your answer, they will be able to discharge their duty in making a Representation to H.M. upon the whole matter. And whereas you say that your health, the season of the year and your family affairs do call you out of town, they direct me to observe to you that the time of your attendance has been lengthened at your own desire, their Lordships having assured you that they would sit *de die in diem* till your affairs should be wholly dispatched. And they therefore now expect your final answer to all the particulars here mentioned, in writing, on Munday next, or sooner, if you can be ready. *Signed*, William Popple. *Copy*.  $1\frac{3}{4}$  pp. [C.O. 5, 1233. No. 35; and 5, 1290. pp. 55, 56.]

June 23.  
Whitehall.

**650.** William Popple to Mr. Burchett. *In reply to letter of June 16.* The Council of Trade and Plantations order me to signify their humble opinion that, altho' it be very true that during some of the winter months the Bays and Harbours of New England and New York are usually frozen up, so that the ships remaining there are for that time useless, yet it may be for the advantage of the Trade of those parts during the time of war, that instead of their returning to England till relieved by others from hence, the Governors of New England and New York, whose orders they are already directed to follow, be empowered,

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as they see occasion, to send those ships as convoys to the ships employed in fetching salt from the Southern Plantations, and for the protection and convoy of such other Trade as is usually carried on between Her Majesty's Southern and Northern Plantations, unless for especial reasons the said Governors shall see cause to send the said ships of war directly for England. [C.O. 5, 910. pp. 221, 222.]

June 23.  
Admiralty  
Office.

**651.** J. Burchett to Mr. Popple. *In reply to above*, I am to acquaint you that the Government of New England has and will for the future have power to send the ship appointed to attend on that Government, in the winter months, to the Saltertudos and on other services between the Southern and Northern Plantations. *Signed*, J. Burchett. *Endorsed*, Reed. June 24, Read June 26, 1702. *Addressed*.  $\frac{3}{4}$  p. [C.O. 5, 862. No. 119; and 5, 910. pp. 222, 223.]

June 23. **652.** Governor Lord Cornbury to the Council of Trade and Philadelphia. Plantations. Your Lordships' letter of March 19 came safe to my

hands June 17, and in it I find a letter from the Lords of H.M. most honble. Privy Council commanding me to proclaim her most sacred Majesty Queen Ann, in pursuance whereof on Thursday, the 18th inst., having drawn out the forces there, I did in the presence of the Gentlemen of H.M. Council, attended by the Mayor, Aldermen and Common Council, the Clergy and I think I may say all the gentlemen and merchants of the City of New York, cause H.M. to be proclaimed Queen of England, Scotland, France and Ireland, Defender of the Faith, Supreme Lady of the Province of New York and Plantations of the same, according to the directions I had received. The solemnity was performed with all the duty and respect imaginable to the Queen, and the people shewed all the cheerfulness and loyalty that could be wished for or desired from good subjects upon that occasion. The gentlemen of the Province of New York are unanimously ready to sacrifice all they have for the service and in the defence of the Queen. Indeed, they have suffered great hardships and wrongs through the wicked practices of Mr. Atwood and Mr. Weaver, who have made the divisions among the people of New York much greater than ever they were, and would have made them past cure had they gone on a little longer. On Friday the 19th inst. I went over the water into the Jerseys, and went directly for Burlington, which is the chief town of West Jersey, but the ways were soe bad I could not get thither till Sunday night late. Col. Hamilton to whom I had writ from York, met me in East Jersey and conducted me to Burlington, where he had (being Governor of the Jerseys for the Proprietors) assembled the Chief Magistrates and inhabitants of the place in order to proclaim Her Majesty, which was done on Munday at 11 o'clock, when the people shewed great marks of duty and affection to the Queen. I did intend to have gone immediately to Amboy, which is the chief town in East Jersey to proclaim H.M. there, but the floods have washed away the bridges, soe

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that till the waters are fallen, it will be impossible to travell. I hope two or three fair days will make the ways passable to Amboy, to which place I will repair the first moment it is possible. I doe not doubt but we shall have a good appearance there likewise, Col. Hamilton, who intends to conduct me thither, having sent beforehand to give notice of my coming. In the meantime I have taken this opportunity to come twenty miles down the River Delaware to see this place, where I find a ship just ready to sail for London. I shall return this evening to Burlington, and as soon as possible goe to Amboy, and from thence to York, from whence I will send your Lordships a further account.  
*Signed, Cornbury. Endorsed, Reed. Read Aug. 25, 1702.*  
*Holograph. 2 pp. [C.O. 5, 1047. No. 56; and 5, 1119.*  
*pp. 202-205.]*

June 23. **653.** Governor Lord Cornbury to the Privy Council. Philadelphia. *Duplicate of preceding. Signed, Cornbury. Holograph. 2 pp.*  
*[C.O. 5, 1084. No. 3.]*

June 23. **654.** Minutes of Council of Barbados. The President acquainted this Board that he had received duplicates from Whitehall by H.M. advice-boat *Express*, Capt. Thomas Legg, as well as letters for Col. Codrington, Col. Selwin, and Adml. Benbow, which are ordered to be sent forward with all expedition. Likewise a letter from the Council of Trade, April 13, concerning the Seal. Capt. Legg also acquainted this Board that a war is declared against France and Spain, and produced a copy of H.M. declaration. This Board having been applied to by several merchants that commissions be granted for sending out privateers against any of H.M. declared enemies, as also for the better securing the merchant ships bound to this Island, ordered that a Commission issue to Capt. John Gill, commander of the brigantine *Marygold*. The President is desired by this Board to sign this Commission and to issue out as many other Commissions for that purpose to such persons as, upon their application, he shall think fit.

Ordered that Capt. Maugham, H.M.S. *Kinsale*, forthwith prepare to sail towards Martineque, and to cruise off that and other the French Islands thereabouts for 10 days (unless he find good reason to return sooner), and then to make the best of his way back.

This Board being informed that Christopher Berrow is a person of ill-fame, and supposed clandestinely traded with the French before the war was declared, ordered that he be removed from the office of gunner, and that some fit person be put in his place.

June 24. Commission for the Hon. James Colleton to be Col. of the Regiment of Foot, which was commanded by the Hon. Geo. Andrews.

Commissions for Judges of the Courts of Common Pleas, Exchequer and Pleas of the Crown.

This Board having been informed that several of the subjects of the French King and other the declared enemies of H.M. and

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her people are privately concealed at the Plantation of Mr. Stephen Gibbs, or in some other parts of this Island, supposed to be upon some private ill-design, ordered that John Bemisden, J.P., issue out his warrant to apprehend them, that they may enter into sufficient security for their good behaviour, and that they shall not depart this Island without special licence from this Government.

Ordered that Capt. Maugham touch at Tobago to give notice of the war to the English vessels there. [C.O. 31, 6. pp. 234-237.]

June 24. **655.** J. Granville to the Council of Trade and Plantations. St. James's. With the consent of the rest of the Lords Proprietors of Carolina, I have constituted Sir Nathaniel Johnson Governor of that place, whose courage and conduct will be as great a preservation at this time of the day to that Province, as his experience and former employments have rendered him capable of such a Commission. We have also constituted Edward Birch our Governor of the Bahama Islands, a very worthy person and son of Mr. Birch, one of H.M. Serjeants at Law. I desire you would hasten H.M. approbation of them, the ships going next week and both places in immediate danger. *Signed*, J. Granville. *Endorsed*, Recd. 24th, Read 26 June, 1702. *Addressed*. 1 p. [C.O. 5, 289. p. 104; and 5, 1290. p. 89; and 5, 1261. No. 119.]

[June 24.] **656.** Petition of Capt. John Poyntz, Benjamin Woodroffe, Dr. of Divinity, and Moses Stringer, Physician and Chymist, in behalf of themselves and Company, to the Queen.

The Islands of Tobago are of dangerous consequence for harbouring your Majesty's enemies, and in the late wars most of the Carribbee Islands were thereby much endangered, great numbers of ships sailing to and from Barbadoes etc. having been tak'n by ships harbouring there. Petitioners have a joint right with the Natives to the said Island by a grant from James, late Duke of Courland, 1681, but by reason of wars with France and other obstructions have been hitherto hindered from settling there. Capt. Poyntz hath been eleven voyages to Tobago and Trinidad and the seas thereabouts and made several secret discoveries of rich Earth-mines and Lapis-Lazuli, as also of Pearls and Ambergrease, whence great wealth may yearly redound to your Majesty and your subjects, if a free Trade be had with the Natives, which the Emperor of the Caribbees is very desirous of, and accordingly treated formerly with Capt. Poyntz. Petitioners are desirous to devote several thousand acres in Tobago, as also the 20th part of such other purchases and acquisitions as they shall make to such pious uses whereby the Gospel may be propagated among the Indians and others, not only in Tobago and the Caribbees but any other parts of America, when they shall have a free Trade, and the poorer sort of any of your Majesty's subjects transporting themselves thither may be provided for. Petitioners pray that your Majesty would be graciously pleased that not only ye Island of Tobago, but

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wt.ever other purchases or acquisitions shall be made from the Indians may be annexed to your Majesty's realm of England, as also that your Majesty would be further pleased to accept of the fourth part of such secret discoveries as your Petitioners have, or shall make, and to incorporate Petitioners and Company into one body corporate and politic with power to raise a sufficient stock and to set out such ships of war and trade as shall be necessary, without any charge to your Majesty, and that your Royal Consort, Prince George, would condescend to be the Governor of the said Company. *Endorsed*, Recd. Read July 8, 1702. 1 p. *finely written*. *Inscribed*, At the Court at Whitehall, June 24, 1702. H. M. is graciously pleased to refer this petition to the Council of Trade and Plantations for their report. *Signed*, Nottingham. [C.O. 28, 6. No. 62; and 29, 8. pp. 103-107.]

June 24.  
Whitehall.

**657.** Council of Trade and Plantations to Col. Quary. You being now upon your departure to Pennsylvania and the Three Lower Counties, we desire you, upon your arrival at New Castle, to acquaint the Gentlemen of those Counties, that we have received their letter of Oct. 25, and have it under consideration, in order to their relief, and further to assure them from us of H.M. Royal protection and care of their welfare and security. *Signed*, Your very loving friends, Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 5, 1290. p. 57.]

June 24.  
Whitehall.

**658.** Council of Trade and Plantations to the Earl of Nottingham. *Representing* Col. Quary's statement of expenses in H.M. service, and his application to be secured, in the discharge of his duty, from the effect of the prejudice and malice of his enemies, occasioned by his zeal for the service of the Crown. Whereof being very sensible, we desire your Lordship to represent to H.M. that Col. Quary, as well in his correspondence with us whilst in America, as in attendance upon us here, have given us such evidences of his faithfulness and ability in the matters committed to his trust, and has been at so much expense by his stay and attendance in England, and in defending himself from two vexatious suits, that we humbly offer he may be reimbursed his expenses by H.M. amounting to 300*l.* And for his further encouragement and security in the discharge of his duty, we humbly propose that H.M. would please to grant him her Royal Letters of favour and protection according to the draught here enclosed. And whereas H.M. affairs under his management and the correspondence he is to maintain with us frequently require his presence in several Colonies, we further conceive it will be for H.M. Service that he be appointed of the respective Councils of Virginia, Maryland and New York, and that he be assured of H.M. Royal Protection. *Signed*, Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. 2<sup>3</sup><sub>4</sub> pp. *Annexed*,

658. i. Draft of letter for H.M. signature referred to in preceding. "We are well satisfied with the faithfulness,

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diligence and ability of our trusty and well-beloved Robt. Quary, and of his zeal and good affection for our service, and he being now to return to America, in order to the further carrying on our said service there in the discharge of the several trusts committed to him, We do hereby will and require all our Governors, Lieut. Governors, Commanders in Chief, Magistrates and Officers, as well civil as military, and all other our loving subjects in those parts to be aiding and assisting in their several stations to the said Robert Quary, and to have a due regard to him as a person employed by us, and to whom we have thought fit to extend our especial favour and royal protection." [C.O. 5, 1233. No. 36 (*without enclosed letter*); and 5, 1290. pp. 58-61.]

June 24. **659.** Minutes of Council of the Massachusetts Bay. Extract of a letter from the Council of Trade and Plantations to Lord Bellomont, Oct. 30, 1700, entered in the Council Books as directed.

June 25. H.E. shewed forth H.M. Instructions to him. He acquainted the Board that it was observed by his late Majesty and the Ministers of State that the Earl of Bellomont's Speech to the General Assembly, at his first meeting with them, contained some passages reflecting upon the predecessors of his Majesty, and proposed that on that consideration it might be taken off the file. Advised accordingly. [C.O. 5, 788. pp. 163, 164.]

June 24. **660.** Minutes of Council of Virginia. Letter from the Council of Trade and Plantations, Aug. 14, 1701, with an Order of the Lords Justices, July 31, 1701, read. Ordered that the Instructions as to colours for ships be duly observed.

Letter of the Lords Commissioners for Trade, March 16, 170 $\frac{1}{2}$ , referred to a Committee for their report.

Ordered that the resolves of the House of Burgesses concerning the lands allowed the Chicahominy Indians be sent to Henry Beverley, Surveyor of King William County, that the same may be laid out according to the said resolves.

Whereas William Byrd of King and Queen County hath lately taken upon him to publish and spread abroad diverse false, scandalous and seditious reports, tending to the disquieting the minds of H.M. good and loving subjects, and creating in them a dislike of the present Government, for which he hath been censured by the General Assembly, and to the end all persons may be deterred from following his evil example, Ordered that a Proclamation be prepared upon the two several Acts of Assembly, against divulgars of false news.

June 25. H.E. acquainted the Council that he understood the House of Burgesses were drawing towards a conclusion in the matters recommended to them, and therefore considering the busy time of the year, he thought fit to give them a recess, but being uncertain how soon he might receive orders from England, he could not prorogue them longer than Aug. 12.

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Proclamation, ordered yesterday, approved.

H.E. and Council signed a loyal Address to H.M. The Council adjourned. [C.O. 5, 1409. pp. 239-241.]

June 24.

**661.** Minutes of Council in Assembly of Virginia. *See Journal of House of Burgesses under date.* The Council agreed with the Burgesses that William Byrd of King and Queen County, in saying that this Assembly were about to raise a tax of 17,000*l.* a year for the use of the College, is guilty of a seditious, scandalous, malicious, and utterly false report. Ordered that, for this offence, he be struck out of the Commission of the Peace, and appear at the next Court held for King and Queen County, and in open Court make a public acknowledgement of his said offence; and that in case of his refusal Mr. Benjamin Harrison, Council for the King, prosecute him.

Ordered that the Justices of King and Queen County issue their warrant to the Sheriff to take Byrd into custody, until he enter into bond with good and sufficient security for his good behaviour.

June 25.

*See Journal of House of Burgesses under date.* The Council agreed that the Ordinance of last Session giving the Governor and Council power to levy forces on occasion was sufficient.

*And see Minutes of Council under date.* [C.O. 5, 1409. pp. 622-627.]

June 25.

**662.** List of the Salaries of the Officers of the Board of Trade. Total establishment, 1,090*l.* [C.O. 388, 75. No. 53; and 389, 36. pp. 136-138.]

June 25.  
Whitehall.

**663.** Council of Trade and Plantations to the Queen. Recommending (considering that his expense in supporting the dignity of that Government has exceeded his salary) an Act of the General Assembly of Barbadoes, passed Nov. 17 last, for making a present of 2,000*l.* sterl. to Lord Grey. *Signed,* Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 29, 8. pp. 102, 103.]

June 25.  
Whitehall.

**664.** Council of Trade and Plantations to the Queen. We have examined the petitions referred to us [May 14], and heard what the parties [*Proprietors of New Jersey*], whom we find very much exasperated against each other, could alledge for or against Hamilton. The divisions among the Inhabitants, as well as the Proprietors, of that Country, and the disorders arising from thence, and from the want of a due constitution of Government, have for some years been so great as to endanger the lives of several of your Majesty's subjects, and to occasion many other great mischiefs, particularly the encouragement of piracy and illegal trade. From the first proposal of surrendering the Government, and whilst the Proprietors had several conferences before us on that subject, one party requesting that Hamilton might be excluded from the Government, the other desiring

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his nomination as a motive of their surrender, we did always declare to them that such surrender ought to be absolute and unconditional, and the choice of a Governor was to depend solely upon the Royal pleasure and authority of the Crown, wherein they seemed to acquiesce. Hamilton, upon his last return to the Jerseys, went from England, and upon a deputation from the Proprietors assumed that Government without the approbation or allowance of his late Majesty, in contempt of the Act of Parliament made in that behalf, and without staying for our report upon H.M. Orders concerning that matter. By certificates of the Surveyor General of the Customs in those parts, it appears he hath favoured illegal trade with Scotland and other parts, and has so far incensed one party of the Proprietors against him, that they will not, according to all appearance, be ever satisfied with his administration. We humbly propose as the only method of appeasing the animosities of your Majesty's subjects in that Colony and of settling the same, that your Majesty be pleased to appoint some person to be Governor thereof, who is wholly unconcerned in those transactions and disorders, and who, being duly qualified may be able to bring both parties to a state of quiet among themselves and submission to your Majesty's authority, and take care withal that the Laws of Trade and Navigation be for the future punctually observed. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 5, 1290. pp. 62-65; and 5, 994A. pp. 18-21.]

June 25. 665. Journal of Council of Trade and Plantations. Representation upon the Act of Barbados, Nov. 17, signed and sent.

Account of the Officers employed in this Commission read. Their Lordships continued them in their respective places.

Representation concerning a Governor for New Jersey signed and sent to the Council Board.

June 26. Order of Council, June 11, upon a Representation of June 8, and the draught of a letter to Governor Nicholson, read.

Order of Council, June 18, relating to Capt. Haskett, read.

Letter from Col. Granville, June 24, read. Answer returned.

Representation relating to Sir Nathaniel Johnson signed and enclosed in a letter to Lord Nottingham.

Letter from Mr. Burchet, June 23, read.

Mr. Penn's charge against Col. Quary, June 19, with Col. Quary's answer, June 23, laid before the Board. And whilst their Lordships were reading the same, a message from the Lords of a Committee of Council met at the Earl of Nottingham's Office, requiring their attendance in relation to some matters laid before them by Mr. Penn, the Board attended accordingly, when being acquainted that Mr. Penn, who was also there present, had complained of Col. Quary's having been dismissed from hence with marks of favour, and recommendation for the reimbursement of his charges, and other advantages, and thereupon desired that he might be stopped from proceeding on his intended voyage to America, in order to answer the

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foresaid charge, their Lordships acquainted the Lords of the Committee with the many delays made by Mr. Penn in the examination of the complaints that had been laid before them by Col. Quary concerning irregularities in the Government of Pennsylvania, and that they had frequently pressed him to dispatch, upon consideration of the necessity of Col. Quary's speedy return to the execution of his trust there. Whereupon Mr. Penn insisting chiefly upon the 4 first Articles of his foresaid charge, he read the same, and the Secretary of this Board, by the direction of the Committee, read Col. Quary's forementioned answer. Their Lordships being afterwards withdrawn, ordered that a copy of Col. Quary's answer be given to Mr. Penn. [C.O. 391, 15. pp. 102-108; and 391, 96. Nos. 113, 114.]

June 25.  
Annapolis.

**666.** Minutes of Council in Assembly of Maryland. H.E. laid before the Board the letter of the Council of Trade and Plantations, March 19, 170 $\frac{1}{2}$ , and the Order of Council proclaiming Queen Anne, etc., which he acquaints them he had caused to be done after the most solemn manner this Province was capable of. And forasmuch as he had received no particular instructions as to the administering the Oaths of Allegiance, he requires the opinion of the Council, who advise that the oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy be administered to all the Officers, civil and military, and other H.M. good subjects within this Province, with the alteration of H.M. name to Queen Anne. Thereupon H.E. and the Members and Clerk of the Council took the said oaths and subscribed the Test, and as to the Association, tho' H.E. and this Board are very desirous of giving all the convincing demonstrations of their affections and loyalty to Her most sacred Majesty, yet that Association which is prescribed by Act of Parliament being made upon that particular occasion on the designed Assassination of his late Majesty, it will not be suitable at this time. The House of Delegates attending took the oaths appointed and subscribed the Test. H.E., addressing them, said necessity not choice had constrained him to summon them by the death of King William, etc. "It is a duty incumbent upon us to address H.M. giving her all the convincing proofs of our great satisfaction." *Refers to his approaching departure.*

An Address was prepared, approved and ordered to be sent down to the House of Delegates.

Richard Tilghman took the oaths, etc. as Delegate of Talbot County, and John Lecount, of Dorset County.

Letter of the Council of Trade, March 16, read. In reply, H.E. and Council say that the Courts of Admiralty for five years past have been held by virtue of a Commission from the Lords of the Admiralty, the said Commission in a more particular manner respecting and settling that Court.

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Petition of Robert Ungle and Robert Grundy, executors of Nicholas Milburn of Talbot County, read, praying that they be enabled to sell his estates for payments of his debts. Bill recommended to the House accordingly.

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Proceedings of Council, May 8, communicated to the Delegates, and it was recommended to them that Col. Thomas Smithson be encouraged to remain Chief Justice of the Provincial Court.

An Address of the Clergy of the Province was presented to H.E. and Council thanking them for their "noble and affectionate zeal in carrying on so pious a work, notwithstanding the restless endeavours which ill-affected men have used to obstruct and frustrate so good and Christian a design, etc." *Signed*, Jno. Lillingston, Ben. Nobbs, Hugh Jones, Thomas Cockshott, Gabriel D'Emilliane, Edward Topp, Rob. Owens, Joseph Colebatch, Henry Hall, Stephen Bordley, Richard Sewell, Richard Marsden, John Sharp, Wm. Tibbs, Joseph Hall, Jno. Edwards. H.E. and Council assured them of their best services on all occasions.

Ordered that the number of planters, etc. and servants be taken in the several counties and sent to the Council of Trade.

Vestry of St. Paul's Parish on Patapsco River, in Baltimore County, attending as ordered, and it being required of them to produce their accounts, how the 40lb. tobacco per poll raised in that parish has been disposed of, Richard Crumwell alleges for that the Sheriff, Lt. Col. Maxwell, is now very sick, but says that the Vestry have 20,000lb. of tobacco, wherewith they desire to build a Chapel of Ease for the parishioners on the south side of Patapsco River, but that being contrary to Law, Ordered by H.E. and Council that the Vestry do apply what tobacco they have in their hands belonging to the parish in building a pretty convenient house and purchasing a glebe for the Minister and his successor.

Resolves of the Delegates sent up that (1) Col. Smithson in all respects deserves well of this Province, (2) We never understood that any country or province has paid any judge or justices' salary, except defraying their charges, but such charges have been always defrayed out of H.M. Revenue. (3) For which reason we cannot think fit to lay any burthen on the public to raise any such salary as is proposed. At the same time the House sent down a resolve that Lt. Col. Thomas Smithson should be paid a gratuity of 50l. sterl. out of the Public Stock, if H.E. and Council agree.

Ordered that Col. John Bigger be paid 14l. 9s. for what he disbursed for cleaning arms etc. in Calvert County. 6l. paid to Charles Kilburn for his extraordinary care in looking after, firing and scaling the guns on the State House Hill.

Having found by experience that the mending and fixing arms in this Province is very chargeable, and will not answer the end designed, but that it is cheaper to buy new ones from England, Ordered that no more of the duty of 3d. per hhd. be applied that way, but only for purchasing new arms.

Thomas Brooke, the present Judge of the Admiralty Court, living remote from this place, Ordered that a Commission be prepared for the Hon. John Hammond to be Judge of that Court.

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Address to H.M. sent up, and an Order to pay H.E. the remainder of the donation granted him last Session, which was assented to and sent down.

Phillemon Lloyd, Delegate for Talbot [sic] took the oaths, etc. Ordinance for repairing the State-House in Annapolis sent up. Journal of the Committee of Accounts examined and passed. Bill for apportioning the public levy, sent up, was twice read, assented to, and sent down.

The House acquainted H.E. that they have nothing lying before them. H.E. gave his consent to the Bill empowering a Committee to apportion the public levy, and then adjourned the Assembly till the last day of August. [C.O. 5, 744. pp. 153-161.]

June 25. **667.** Journal of House of Delegates of Maryland. 1*l.* paid to Elias King for cleaning some arms.

Committee of Election reported that Thomas Frisby is duly elected for Cæcil County, if at age. Mr. Frisby acknowledged himself not to be of full age till December next. Resolved, that he is not qualified to sit in this House. Warrant for new writ ordered.

15*l.* paid to Peter Sewell of Calvert County for a runaway negro that was shot.

*And see preceding abstract under date.*

June 26. Petition of James Benson, Executor of Samuel Withers, for a Bill to permit his selling his land for payment of debts read, and referred to a Committee.

Ordered, that, whereas several donations has been given to several persons, and no law provided to declare how it shall be applied, a Bill for that purpose be prepared against next Sessions of Assembly.

Ordered that Richard Beard be sent for to render an account of the country powder. His account was considered and passed. He was allowed 8*l.* sterl. for his pains.

Petition of Christopher Goodhands, etc., referred to next Sessions, in order that those concerned may have notice to appear.

Petitions of James Benson and Jasper Yates, relating to the sale of Milburne's lands, read and referred to next Sessions. Petitioners were advised to prepare a Bill.

Petition of Thomas Reynolds, Sheriff of Ann Arundel County, praying an allowance for fees for executing malefactors, rejected, the House being of opinion that the public ought not to be burthened with any fees in such cases.

George Muschamp, Thomas Beale, and Kenelm Cheseldyne were excused attendance.

Bill for assessing the public levy read twice.

Petition of Daniel Sherwood of Talbot County, and others, read and referred to next Sessions. Resolved, that the House will then take proper methods to suppress such irregularities in Officers' fees as thereby complained of.

The Journal of Accounts was passed.

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Petition of Phillo. Smith, Keeper of the Ferry over Seavorne River, for leave to take up and build upon one acre on Town Common on the South of the River, granted.

The Address to Her Sacred Majesty, returned to the House signed by the Governor and Council, was signed by the Speaker and the rest of the Members in the House:—"Sad and dismal was the news of the death of our late gracious Sovereign, whose royal virtues and heroick achievements in restoring and establishing the reformed religion, and maintaining the just liberties of his subjects had rendered his person most dear and his memory most fragrant to all his loving subjects, and particularly to us who had always our just proportion of his Royal care and bounty. We have lost a good and great King, etc. . . . We find ourselves not a little comforted when we behold your Majesty, whom we acknowledge our true and rightful Sovereign Queen and Leidge Lady, succeeding our late Sovereign, not only in his dignity and dominions, but in all his vertuous, pious and gracious inclinations and dispositions to protect our religion and liberties, according to our known and established Laws, and steddily and without interruption to prosecute the same alliances and royal designs, in which we pray God Almighty to prosper your Majesty, etc. We acknowledge our happiness under the immediate Government of your Majesty's Crown, and the establishment of Religion among us, and herein we are obliged in gratitude to declare the care, integrity and justice of our present Governor, Nathaniel Blakiston, by whose example and encouragement religion has been advanced among us, and by whose Justice and Conduct we have enjoyed all that free subjects can reasonably desire or hope for, and for whose leaving us, because he has not his health, we are heartily sorry, and entirely depend on your Majesty's wisdom and goodness to supply us in that particular. And we beseech your Majesty to continue your Royal care and consideration, assuring your Majesty of the sincere and good affections of the inhabitants thereof, from whom your Majesty may expect all that cheerful obedience which love and duty commands."

*And see preceding abstract under date. [C.O. 5, 744. pp. 291-312.]*

June 25. **668.** Minutes of Council in Assembly of the Massachusetts Bay. John Thacher, anew elected a Councillor, took the oaths appointed.

Accounts of the Treasurer passed.

H.E. gave his consent to the Bill granting a Poll-tax, etc.

Resolved, that Bills be brought in to make further provision for the settling and support of Ministers; and to oblige the payment of tunnage of shipping in gun-powder, now in time of war, during the continuance of the Act for granting the said duty.

June 26. Last mentioned Bill read three times and sent down.

H.E. ordered that the Acts for continuing several Acts; for granting H.M. several duties of impost, tunnage of shipping and

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excise ; and a tax upon polls and estates be published. Some of the Representatives were desired to attend the publication.

A Bill in addition to the Act for regulating the Militia, sent up from the Representatives, was read twice. Ordered that a new Bill of the like tenour be prepared.

Petition of David Jeffries, of Boston, Merchant, on behalf of John Usher, formerly Treasurer of New England, praying that, pursuant to the orders of his late Majesty, payment may be made of what is due to him, or that reasons may be given to the contrary, read.

Report upon Mr. Taylor's proceedings towards finding the line betwixt this Province and the Colony of Connecticut, read. Advised that H.E. write to the Governor of Connecticut to stop all strife or violent proceedings.

June 27. Bill in addition to the Act for regulating the Militia was read twice and sent down.

A Joint Committee was appointed to consider a fortification at Pemaquid.

James Taylor took the oaths, etc. appointed, as Treasurer.

Bill for applying 500*l.* to the use of H.E., of the moneys granted to H.M., sent up, was read and passed, and received H.E.'s consent.

Bills, that the duty of tunnage be paid in powder, and in addition to the Act for regulating the Militia, sent up, were read and passed, and received H.E.'s consent.

Address to H.M. signed by the Council and Mr. Speaker.

14*l.* granted to John White, Clerk of the House of Representatives ; 30*l.* to James Maxwell, Doorkeeper, and 30*l.* towards the support of a Chaplain at Brookfield "lying on the great road betwixt this Province and Connecticut, being a usual and necessary stage for travellers and posts, and anew beginning to be settled."

An arrangement was made with Peter Sergeant, Vendor of some powder that proved unfit for service.

Joint-Committee appointed to examine the accounts of John Usher.

Message sent to the Representatives to consider of a salary to Samuel Willard for his service in the care and government of the College the year past.

The Assembly attending, H.E. addressed them :—" I am sorry you have made no further progress in the Articles I laid before you at my arrival, and have all reason to think that a further time might have apprized you of the necessity and justice of everything I have offered you, but there being a necessity of my seeing the other Province, and the Frontiers, I have judged it best for the service that you be dismist at this time, not doubting but you will think better and proceed with all cheerfulness at our next meeting in everything that imports H.M. service, your own honour and the preservation of the Province. I desire you in your recess into the several parts that you will labour to dispose all H.M. good subjects to their obedience and duty, and to assure them of H.M. favour and protection in all

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things," etc. H.E. prorogued the Assembly till Aug. 12. [C.O. 5, 788. pp. 359-364.]

June 26. **669.** Council of Trade and Plantations to John Granville. Whitehall. We have considered your letter of 24th inst., and being well satisfied with the character of Sir Nathaniel Johnson, and believing him to be very fit for the Government [of Carolina], in case he do qualify himself according to Law, and that security be duly given, we have prepared a Representation to be laid before the Queen for her Royal approbation. As to Mr. Birch, he being intirely unknown to us, we desire that he, or some person in his behalf, may appear at this Board. *Signed*, Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 5, 1290. p. 90.]

June 26. **670.** Council of Trade and Plantations to the Earl of Whitehall. Nottingham. The Lords Proprietors of Carolina having nominated Sir Nathaniel Johnson to be Governor of Carolina, we enclose our Representation thereupon, to be laid before H.M. by the first opportunity, the ships being now ready to sail for those parts. *Note in margin* :—Given to the Great Council, July 2, and there read. *Signed*, Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Autographs*. 1 p. [C.O. 5, 306. No. I.; and 5, 1290. p. 91.]

June 26. **671.** Council of Trade and Plantations to the Queen. Whitehall. We find the character of Sir N. Johnson to be such as to deserve your Majesty's approbation, in case he duly qualify himself as the Law requires. By an Address of the House of Lords, March 18, 1696, his late Majesty was desired to direct that the several Proprietors should give security that their respective Deputy Governors should duly observe the Acts of Trade, and obey such instructions as should be sent to them from your Majesty, or any acting under your authority. *Signed*, Weymouth, Dartmouth, Robt. Cecill, Phil. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 5, 1290. pp. 92, 93.]

June 26. **672.** Minutes of Council of Maryland. H.E. acquainting Annapolis. the Board that, having obtained H.M. leave to return for England for recovery of his health, which [he] designed very speedily with the present shipping, read H.M. Commissions and Instructions, and the Hon. Thomas Tench was adjudged to be eldest Councillor and President. Ordered, that H.M. Receivers, after H.E.'s departure and the last of July next, take the Bills of Exchange for support of the Government, one half to H.E. and the other half to the President, His Honour giving bond to be answerable for the same in case H.M. shall direct any part thereof to be otherwise applied. H.E. gave the Council advice, and left papers to be delivered to the President after his

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departure. He advised the Council not to call the Assembly together unless upon emergent occasion, and thanked God that he left the Country the Church being so well established and the people happy in peace and friendship, to the great quiet and prosperity of the Government. [C.O. 5, 744. pp. 31-34.]

June 27. **673.** Minutes of Council of the Massachusetts Bay. H.E. adjourned the Council till June 29. [C.O. 5, 788. p. 164.]

June 28. **674.** Governor Codrington to the Council of Trade and Antigua. Plantations. I have just now received the honour of your Lordships' letter of March 24, and at the same time H.M. declaration of war. I have an hundred orders to dispatch this day, and am at the same time so weak and spiritless that I am not able to hold up my head, the excessive heats having thrown everybody into fevers, and carried off a great many people in this Island especially. I have neither time nor strength of thought sufficient to answer the particulars of so long a letter. The Frigot is unhappily upon her careen, but I shall go away in a sloop for Leeward to-morrow morning, tho' I am much fitter for my bed than the field. But we are not to sleep now at St. Kitts; the cause must be decided, and our people won't go where I don't lead. If I dye in the action, my Lords, believe I dye an honest man. If I live, I'll satisfy the world I am so. I have noe concern for what is past, but what I should have had, if it had been another man's case. If an English Gentleman is to be voted out of his reputation without being heard, an Englishman has reason to envy a Frenchman, and a Court of the Marshals of France is more equitable than —. There are some Gentlemen who ought to read over their own speeches in Sir John Fenwick's case—but I ought to be patient: Your Lordships have been us'd worse than I, and the greatest men are not alwaies uniform—et David in Jonathæ filium, ne cognita quidem causa, quasi accusasse sufficerit majori iracundia quam jure statuit. But this is no season for pedantry. I am, my Lords, with all the calmness of an innocent man. *Signed*, Chr. Codrington. *Endorsed*, Recd. 9th, Read Sept. 10, 1702. *Holograph*. 1 p. [C.O. 152, 4. No. 104; and 153, 8. pp. 74, 75.]

[June 28.] **675.** Duplicate of preceding.  $1\frac{1}{4}$  pp. [C.O. 152, 4. No. 104.i.]

[June 29.] **676.** Extract from Journal of Assembly of Carolina, Charles Town, Jan. 19, 1701, recording Sir Nathaniel Johnson, "one of the Cassiques of the Province of Carolina," having taken his place in the House and the oaths, etc., appointed. *Signed*, Ja. Moore. *Endorsed*, Recd. Read June 29, 1702. *Sealed*. 1 p. [C.O. 5, 1261. No. 123.]

June 29. **677.** Mr. Serjeant Byrche to Lord Weymouth. I designed to have wayted upon you myselfe this morning, humbly to have

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begged your favour and assistance for a younger sonne of myne who was a little unfortunate in his first setting forth in the world, but is now become, I thank God, a man of sobriety, conduct and integrity, and one for whom I dare answer. He, having settled himself and family at Carolina, was in hope to have got the Government there, but fayleing in that, he hath procured a patent from the Proprietors of the Island of Providence to be Governor there, but must be approved of by the Committee of Trade, of which I find your Lordship is a Principal Member. *Prays for his recommendation. Signed, E. Byrche. Endorsed, Reed.* Read June 29, 1702. Addressed. 1 p. [C.O. 5, 1261. No. 122.]

June 29. **678.** Journal of Council of Trade and Plantations. Letter from Mr. Serjeant Birch read.

Mr. Johnson, son to Sir Nathaniel Johnson, laid an extract of the Records of the Assembly of Carolina before the Board. Their Lordships acquainted him that it is necessary security of 2,000*l.* be given for his father to the Queen, according to the form of a bond prepared by Mr. Attorney General, a copy whereof was given him, with an extract of the Report of the Commissioners of Customs relating to the sum to be inserted, and a copy of a letter from Mr. Thornborough, May 10, 1700.

Mr. Birch, nominated for the Government of the Bahamas, acquainted their Lordships that he doubts not to obtain such a certificate of his character from all the merchants concerned in the trade of Carolina as may recommend him to the Government of the Bahamas, and was accordingly directed to do it. Being asked what salary he is to have in that employment, he said it was the 5th part of the Lords Proprietors' dues, which being about 150*l.* per annum, his share would be about 30*l.*, besides which, he said, there were other perquisites, as for granting licenses for trade, etc., which are uncertain, but that he had been informed the whole salary and perquisites might be worth about 150*l.* per annum. Their Lordships afterwards acquainted him with the necessity of security to be given to H.M., etc.

Letter from the Earl of Nottingham, with an enclosed memorial from Mr. Penn, desiring H.M. approbation of Col. Hamilton, read.

June 30. Copies of Mr. Penn's charge against Col. Quary with his answer, and other papers, ordered to be sent to the Commissioners of Customs.

Mr. Phillips, jr., son to Frederick Phillips of New York, having been concerned, as he said, in a ship whereof — Burgess was Master in a lawful trading voyage from New York to Madagascar, and Burgess having been taken during that voyage and brought to England upon information of piracies committed by him in 1692, and having now upon trial at an Admiralty Sessions been convict of the same, but not accused of any crime since that time, he, Mr. Phillips, desired copies of papers relating to Burgesses confession to Lord Bellomont, 1698, and a pardon intended to have been granted him. Ordered accordingly. [C.O. 391, 15. pp. 108-115; and 391, 96. Nos. 115, 116.]

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**679.** Minutes of Council of the Massachusetts Bay. H.E. having received, by a pacquett boat from England this morning, orders from H.M. to publish the Declaration of War, ordered that it be published with the usual formality at the Town House in Boston to-morrow at 10 in the morning.

H.E. appointed the Lieut.-Governor and Members of Council to be Justices of the Peace and of the Quorum in each County. He nominated, for Justices of the Inferior Court of Common Pleas within the County of Hampshire:—John Pynchon, Samuel Partridge, Joseph Hawley, Joseph Parsons. For J.P.s:—Joseph Hawley, Joseph Parsons, Capt. Aaron Cooke, John Holyoke, and John Pynchon *secundus*. For Justices of the Inferior Court, County of Barnstaple:—Barnabas Lothrop, Stephen Skiffe, John Thacher, and John Otis. For J.P.s:—Stephen Skiffe, John Otis, Jonathan Sparrow and Major John Goreham. For Justices of the Inferior Court and Justices of the Peace for the Island of Nantucket:—John Gardner, James Coffin, William Geare, William Worth. For Duke's County:—Thomas Mayhew, James Alline, Benjamin Skiffe, Joseph Norton. The Council agreed.

June 30. H.M. Declaration of War was published, as ordered, the Regiment attending in arms.

H.E. acquainted the Board that he intended to order H.M.S. *Gosport* forthwith out upon a cruise for the security of navigation betwixt Cape Codd and the North Shore and Cape Ann, for 10 days, and then to attend H.E. at Piscataqua for further orders; that the stores for H.M.S. *Gosport* not being yet arrived, Capt. Crofts desired to borrow 10 barrels of the publick stores of gunpowder, upon his note to return it; that he had given order for equipping the *Province* galley for a cruize, and proposed to bear 40 men upon her at present. Upon which he asked the advice of the Board. He also acquainted them that he would give all encouragement to the merchants to equip some of the best of their ships on H.M. service, for the annoying of H.M. enemies.

H.E. nominated for Justices of the Peace within the County of Suffolk:—Capt. Jeremiah Dummer, Edward Bromfield, Major Charles Hobby, Thomas Brattle, Nathaniel Oliver, Col. Nicholas Paige, Jahleel Brenton, Capt. Samuel Legg, Paul Dudley, John Nelson, Lt.-Col. Ephraim Hunt, John Clarke, Thomas Palmer, Major Samuel Eells, James Baily, Edward Lyde, William Tailer, Adam Winthrop, Capt. John Wilson. The Council assented to all excepting only Jahleel Brenton. H.E. nominated for J.P.s in the County of Essex:—Col. Nathaniel Saltonstal, Lt.-Col. Dudley Bradstreet, Major Robert Pike, Col. John Wainwright, Major Thomas Noyes, Capt. John Legg, Capt. Nathaniel Norden, Samuel Appleton, Capt. John Burrill, William Hirst, Robert Hale, Joseph Woodbridge, Capt. Samuel Browne, and Josia Wolcott. For Middlesex:—Major Jonathan Tyng, John Leverett, Saml. Hayman, Capt. Francis Foxcroft, Major James Converse, Ephraim Flint, Capt. Thomas Browne, Capt. James Minot, and Capt. Joseph Morse. The Council took

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exception only to Capt. James Minot. H.E. nominated Joseph Hammond, John Wheelwright, Ichabod Plaisted and Abraham Preble for Justices of the Inferior Court of Common Pleas and Justices of the Peace in the County of York; Samuel Donnell and William Peperel, J.P.s. The Council took exception only to Samuel Donnell.

H.E. nominated Joseph Curtis Sheriff of York County; Nathaniel Warren, Sheriff, and Nathaniel Thomas, junr., and Joseph Otis, Coroners, in the County of Plymouth; Samuel Allyn, Sheriff, Shuball Smith and Samuel Freeman, Coroners, in the County of Barnstable; Capt. Samuel Gallop, Sheriff, and Samuel Little and Stephen Payne, Coroners, in the County of Bristol; Samuel Porter, Sheriff, and Peletiah Glover and Ebenezer Pomrey, Coroners, Hampshire; Ebenezer Alline, Sheriff of Duke's County; Jethro Coffin, Sheriff of the Island of Nantucket; Capt. Ephraim Savage, Samuel Thaxter, John Fisher, Coroners, Suffolk; Tristram Coffin, Daniel Epps, Major Francis Wainwright, Coroners, Essex; Jacob Greene, Jonathan Prescott, Coroners, Middlesex. The Council agreed.

H.E. nominated Isaac Addington to be Chief Justice, and Samuel Sewall and John Walley to be Justices of the Superior Court. The Council agreed. H.E. also nominated for Justices of the Superior Court, Nathaniel Thomas and Nathaniel Byfield, but the Council did not consent.

H.E. nominated Elisha Hutchinson, John Foster, Thomas Brattle and Samuel Legg to be Justices of the Inferior Court of Common Pleas, Suffolk. The Council refused their consent to the last two.

H.E. nominated Nathaniel Saltonstal, William Browne, John Hathorne, Daniel Peirce, Justices of the Inferior Court, Essex; Nathaniel Thomas, Isaac Winslow, John Cushing, jr., James Warren, Justices of the Inferior Court and Justices of the Peace, Plymouth, and John Cushing, senr., and Elihu Brett, J.P.s for the same County; Nathaniel Byfield, John Browne, Thomas Leonard, Ebenezer Brenton, Justices of the Inferior Court and J.P.s for the County of Bristol; and Benjamin Church, Nicholas Peck, Nathaniel Payne, Joseph Church, Thomas Tabor, J.P.s for the same County; James Russell, John Phillips, Jonathan Tyng, Justices of the Inferior Court of Common Pleas in the County of Middlesex. The Council agreed.

H.E. observed that in the Civil List according to former establishment he found an appointment of Judges of Probate in the several counties, but doubted of such delegations, and directed the paragraph in the Charter relating to wills to be read, and left that matter to further consideration, withal directing that the several persons appointed thereto do in the meantime attend their duty in that affair.

Ordered that Capt. Turfrey be heard on Thursday next.  
[C.O. 5, 788. pp. 165-170.]

June 30. 680. William Popple to Mr. Sansom. Enclosing account Whitehall. of matters relating to the Customs which have recently passed

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before the Council of Trade and Plantations. [C.O. 5, 1290. pp. 96, 97.]

June 30. **681.** Minutes of Council of Barbados. The following Representatives were returned, and those attending sworn:—

Lt.-Col. George Peers	}	St. Michael's Parish.
Wm. Heysham		
Lt.-Col. Thomas Maxwell	}	Christchurch.
Capt. Philipp Kirton		
Wm. Holder	}	St. James.
Lt.-Col. Walter Scott		
William Davie	}	St. Joseph's.
William Grant		
Col. Thomas Maycock	}	St. Lucy'e's.
Lt.-Col. William Terrill		
Lt.-Col. Robert Yeomans	}	St. Andrew's.
Major Robert Morris		
Hon. John Lesley	}	St. John's.
Major Christopher Estwick		
William Allamby	}	St. Thomas.
George Harper		
Lt. Col. Wm. Fortescue	}	St. Phillipps.
Capt. Richard Brewster		
Lt.-Col. Richard Downes	}	St. George's.
Miles Toppin		
Samuel Maynard	}	St. Peter's.
Alexander Walker		

Special Commission appointed, upon the petition of Capt. John Jones, to try an action brought against him by Richard Hasell, John Smith and Vinton Osborn, he being obliged to leave this Island before the Court of Common Pleas.

Pacquets for the Governor of Jamaica and Admiral Benbow were despatched by Joseph Maynard for 40*l.*

Alexander Walker was appointed Chief Judge of the Court of Common Pleas for the precincts of St. Peter's, in the room of Jonathan Downes, lately gone off this Island.

John Bemisden [see June 24] reported that he had apprehended Francis Bushey, Anthony Martin and Henry Clane, and brought them before the Board. It appeared that they were seafaring men and not qualified to undertake any ill design against the Government. Mr. Stephen Gibbs engaged for their good behaviour, and that they should not go off the Island without leave of the President.

July 1. The Governor's sudden arrival being expected, ordered that the following particulars be bought up and put into the house of Thomas Pilgrim, which is hired for the Governor:—4 pipes of Madera wine, two hhds. of claret, one gross bottled claret, one tun of ale, 2 gross bottled ale, one gross bottles Rhenish wine, 2 gross bott. cyder, 200 lb. refined sugar, one gross bottles Canary, and a quarter cask of brandy.

Ordered that upon appearance of a flag, by which we now expect the Governor, the same respect be paid him by the Forts as was done to the Lord Grey upon his arrival.

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Mr. Maynard not being able to perform his agreement (*above*), the packets for Jamaica were sent forward by a brigantine that arrived this day.

James Wilson was appointed Gunner of the Leeward Fort in the room of Christopher Berrow [June 23]. [C.O. 31, 7. pp. 237-240.]

June 30. **682.** Minutes of Council and Assembly of New Hampshire. Portsmouth. Adjourned, there not being a full Council.

July 1. Message sent up from the Representatives that, information being given to that House by Samuel Penhallow, Treasurer, of several sorts of timber in his own and in several of the Constables' hands, received for the last Province rate, which is now such a dead commodity that it will not fetch such a price as it was concluded they would, the Representatives advised him to use the best of his skill in disposing of what lumber is in his own and the Constables' hands, and render account thereof. Of which the Council approved.

The House of Representatives sent up the following account: that, being informed that many Indians, especially in the Town of Portsmouth, have of late resorted thither, and take such measures in going to and fro, and riveing almost every house and place, and have been seen by the watch near midnight walking the way from the Creek to the Bank, saying they walk to take the air, which doth much amuse the people what the end may be, the Representatives therefore offer to your Honours' consideration these things, hoping that care may be taken about said Indians for the safety of H.M. subjects, and that such orders may by your Honours be given to the Commission Officers in the Province as shall be thought fit. [C.O. 5, 789. pp. 297, 298.]

June 30. **683.** Earl of Nottingham to the Council of Trade and Whitehall. Plantations. H.M. having given orders for an agreement to be made with Mr. Dummer upon his proposals for settling a correspondence with Jamaica and other H.M. Islands in America, H.M. would have your Lordships consider of the best method of performing those voyages, the places to which they shall go and return, etc., and settle the same with him, giving me an account of your proceedings. *Signed*, Nottingham. *Endorsed*, Recd. Read July 1, 1702. 1 p. [C.O. 323, 3. No. 134; and 324, 8. p. 173.]

July 1. **684.** Council of Trade and Plantations to the Earl of Whitehall. Nottingham. In reply to above. We refer to our letter of June 22. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. 1 p. [C.O. 5, 3. No. 4; and 324, 8. p. 174.]

July 1. **685.** Governor Beeckman to the Dutch West India Company. *Signed*, Samuel Beeckman. *Endorsed*, Read Nov. 27 [N.S.], 1702. Dutch. 12 pp. [Cf. British Guiana and Venezuela Boundary Commission. No. 3 (1896). p. 68.] [C.O. 116, 19. No. 12.]

July 12. Fort Kijkoveral River Essequibo.

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July 1. **686.** Jan Van Dijck to [? The Dutch West India Company].  
 Signed, Jan Van Dijck. Endorsed, Recd. Nov. 27 [N.S.], 1702.  
 Dutch.  $2\frac{3}{4}$  pp. Enclosed,

686. i. List of the inhabitants of Essequibo who require negro slaves. Dutch.  $1\frac{1}{2}$  pp. [C.O. 116, 19. Nos. 14, 14.i.]

July 1. **687.** George Larkin to the Council of Trade and Plantations.  
 New York. For want of the conveniency of a passage to Jamaica or Bermuda, I have been forced to return the Continent of America. The people of this Province seem extreamly pleased with the regulations made by my Lord Cornbury since his coming to the Government. His Lordship has for some reasons thought fit to suspend Mr. Weaver, the Collector of the Customs, and to lodge that employment in the hands of Commissioners until H.M. pleasure shall be further known. I cannot express the hardships I have undergone in the service I am now upon. If Mr. Weaver should be layd aside, I hope your Lordps. will be pleased to thinke upon, Signed, Geo. Larkin. Endorsed, Recd. Nov. 30, Read Dec. 9, 1702. Holograph. 1 p. [C.O. 5, 1047. No. 57; and 5, 1119. p. 245.]

[? July 1.] **688.** John Usher to the Council of Trade and Plantations.  
 Having laid before this Honble. Board, William Partridge, late Lieut.-Governor, Province New Hampshire, and his Councill, raising of money and laying heavy taxes on H.M. subjects, applying the same to private ends and uses; in particular an Act for raising five hundred and fifty pounds, one hundred pounds of which for Sr. Henry Ashhurst their Agent; Sr. Henry Ashhurst as Agent being summoned to give into this Honble. Board an answer: hitherto have waved the same, and Major William Vaughan being here arrived as Agent for the Province New Hampshire, he being one of the Councill and Treasurer for many years, humbly pray the said Vaughan, as Agent, may render an acct. of what monyes raised, to what ends and uses the same hath been applyed or is to be, with a particular account thereof. Signed, John Usher. Endorsed, Recd. Read July 1, 1702. 1 p. [C.O. 5, 862. No. 120; and 5, 910. pp. 239, 240.]

July 1. **689.** Journal of Council of Trade and Plantations.  
 Mr. Bradinharn was granted a copy of the account of his effects.  
 Letter from the Earl of Nottingham, relating to Dummer's proposal, read and answered.  
 Memorial from Mr. Usher read. Ordered that a copy be sent to Sir Henry Ashurst, and that he attend this Board on Monday.  
 Letter from Mr. Usher, June 15, laid before the Board.  
 Letter from Mr. War read, signifying H.M. pleasure that the Board attend her at the Committee at St. James to-morrow.

July 2. Their Lordships attended the Committee of the Council, according to yesterday's Order, and were called in, together with H.R.H.'s Council of the Admiralty, where the matter of the power given in the Commissions to the Governor of Barbados

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about suspending Captains and other Officers of Ships, was debated, and thereupon ordered that the said power be left out of all Commissions to Governors of Plantations for the future, the same being so to be inserted in the Commissions or Instructions which the Lord High Admiral shall give to the several Governors as his Vice-Admirals, so nevertheless that the power of suspending and discharging all Captains and Commanders of ships of war that shall be taken up and employed by the Governor of any Plantation, and paid by that Plantation, do remain in the said Governor; as also that the clause for punishing officers for misdemeanours on shore do remain as it is.

July 3.

Their Lordships agreed upon the alteration to be made in Governor Sir Bevil Granville's Commission and sent the same to be laid before the Earl of Nottingham. Ordered that the draught of an Instruction be prepared, which may refer to the Commissions and Authoritys to be given by H.R.H. in that behalf. [C.O. 391, 15. pp. 115-119; and 391, 96. Nos. 117-119.]

July 2.  
Jamaica.

**690.** Capt. Handasyd to Mr. Secretary Vernon. *Refers to death of Governor Selwyn.* The Regiment wants now about four score men, and I am afraid before the two hot months be out, we shall want 110 or 120 men. Capt. General Selwyn brought out about 23 Volunteers, or we should have wanted more, etc. The state of the Island is sicklier now than usual. *Signed,* Tho. Handasyd. *Endorsed,* R. Sept. 10, 1702. *Holograph.* *Addressed.* 1 p. [C.O. 137, 45. No. 11.]

July 2.  
St. James's.

**691.** Order of Queen in Council. Referring the enclosed petition of Capt. Haskett to the Council of Trade and Plantations for their report. *Signed,* John Povey. *Endorsed,* Recd. Read July 6, 1702.  $\frac{1}{2}$  p. *Enclosed,*

691. i. Copy of petition of Capt. Haskett to the Queen. *Prays for redress for wrongs and losses suffered at the hands of the people of Providence.*  $1\frac{1}{2}$  pp. [C.O. 5, 1261. Nos. 125, 125.i.; and 5, 1290. pp. 97-101.]

July 2.  
St. James's.

**692.** Order of Queen in Council. Approving Representation upon the appointment of Sir Nathaniel Johnson as Governor of Carolina. The Council of Trade and Plantations are to take care that good and sufficient security be given by him accordingly. *Signed,* John Povey. *Endorsed,* Recd. Read July 31, 1702.  $1\frac{1}{4}$  pp. [C.O. 5, 1261. No. 124; and 5, 1290. pp. 145-147.]

July 2  
and  
July 9.

**693.** Minutes of Queen in Council, July 2 and 9, approving of Representation of June 25 and July 7, against Col. Hamilton being appointed Lt. Governor of Pennsylvania or Governor of New Jersey. *Signed,* John Povey. *Endorsed,* Recd. 11, Read Sept. 15, 1702.  $\frac{1}{2}$  p. [C.O. 5, 970. No. 2; and 5, 994.A. p. 21.]

July 2.  
Jamaica.

**694.** Lt. Governor Beckford to [? Mr. Secretary Vernon]. I am informed by a sloop just now arrived from the Bay of

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Campeache that a company of Spaniards, about 20 or 30, came by land from their town called St. Peter and Paul, surprised our logwood-cutters, carried away about 20 white men, and as many negroes, with some of their small boats and canoes. On May 18 the said sloop met off Cape Couranta with H.M.S. *Fowey* and the several merchant-men under her convoy, so that the fear of their being taken is now, I hope, removed, the said Cape lying to the Eastward of Cape Antonio, where we were informed the four French men of war, mentioned in my former, cruised off, and might, had it been true, easily have met with them. On May 21 the sloop touched at the west end of Cuba, the Master spoke with some Spaniards, who informed him that the French Fleet lay then in harbour at the Havanna. *Signed*, Pe. Beckford. 1 p. [C.O. 137, 45. No. 10.]

July 2. **695.** Order of Queen in Council. Approving a Representation of June 25, and ordering that the Treasurer of Barbados do pay to Lord Grey the 2,000*l.* voted him by the Assembly, Nov. 17, 1701. *Signed*, John Povey. *Endorsed*, Recd. 10th, Read July 14, 1702.  $\frac{3}{4}$  p. [C.O. 28, 6. No. 63; and 29, 8. pp. 109, 110.]

July 2. **696.** Minutes of Council of the Massachusetts Bay. Upon a representation by the inhabitants of Deerfield, in the County of Hampshire, the most westerly frontier of this Province, that a considerable part of the line of fortification about their Plantation is decay'd and fal'n down, and praying some assistance for rebuilding the same, for that they are apprehensive of some evil designs forming by the Indians, an unwonted intercourse of Indians from other Plantations being observed, Advised that H.E. write to John Pynchon, Col. of the Regiment of Militia, directing him forthwith to send his Lieut.-Col. to Deerfield to view the palisado about that Town, and to stay there some short time to put the inhabitants upon the present repair of the Fortification in all places where it is defective, and to cover them with a scout of ten men by turns out of the next towns, whilst they are about the said work, and to assure them of all necessary support, and to take the like order as to Brookfield, saving the scout. The Scout not to be paid for.

Upon a representation of the inhabitants of Wells, County of York, one of the outmost frontiers Eastward, praying orders to put themselves into a posture of defence, and to have some assistance, Advised, that H.E. give directions to Joseph Hammond, Major of the Regiment of Militia, forthwith to return home and to repair to Wells, and there to give directions what number of garrisons are fit to be maintained in the said town, and to order that they be suitably and speedily repaired, and that the inhabitants be forbidden to remove, and to see that the Law to prevent the deserting of the Frontiers be duly put in execution.

Advised, that Capt. John Marsh be forthwith commissioned and sent to his post at Cascobay, and that the garrison be enforced with six men.

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H.E. nominated Major Francis Wainwright to be Sheriff of the County of Essex. The Council consented.

H.E. nominated Jeremiah Dummer and Nathaniel Oliver, Justices of the Inferior Court of Common Pleas in the County of Suffolk. The Council consented not to the appointment of Oliver.

Capt. Turfrey was heard in his defence and acquitted from any censure. [C.O. 5, 788. pp. 171, 172.]

July 3.

**697.** Copy of bond for 2,000*l.* entered into by Thomas Cary, of London, merchant, and Robert Johnson, of London, Esquire, with the Lords Proprietors of the Bahamas, that Governor Birch "shall well and truly administer justice in his Government and suffer not anything to be done contrary to Law or the interest of the Crown or the Lords Proprietors." *Signed*, Thom. Cary, Robt. Johnson. [C.O. 5, 289. pp. 102, 103.]

July 3.

**698.** Copy of bond, similiar to preceding, for Governor Sir N. Johnson, with the Lords Proprietors of Carolina. *Signed*, Thom. Cary, Robt. Johnson. [C.O. 5, 289. pp. 103, 104.]

July  $\frac{4}{15}$ .  
Fort  
Kijkoveral.  
River  
Essequibo.

**699.** Governor Beeckman [? to the Dutch West India Company]. *Signed*, Samuel Beeckman. *Endorsed*, Read Nov. 27 [N.S.] 1702. *Dutch*. 3 pp. *Enclosed*,

699. i. Copy of Letter to the Chamber of Amsterdam. *Signed*, Samuel Beeckman. Fort Kijkoveral, May 30 [N.S.], 1702. *Dutch*. 4 pp.

699. ii. List of goods received from the *Fortuijn*. *Signed*, Samuel Beeckman. *Dutch*. 2 pp.

699. iii. List of provisions received for the *Fortuijn* from Governor Beeckman. *Signed*, Jacob Volle. *Dutch*.  $\frac{1}{2}$  p.

699. iv. Minutes of Council, July 3 [N.S.], 1702. *Dutch*. 1 p.

699. v. List of persons who have drawn Bills of Exchange for slaves bought, imported by the *Fortuijn*, April 10, etc. [N.S.], 1702. *Dutch*. 5 pp.

699. vi. List of persons who require slaves. *Dutch*. 1 p.

699. vii. Bill of lading of the *Fortuijn*, sailing for Holland. Goods from each Plantation enumerated. *Dutch*. 5 pp. [C.O. 116, 19. Nos. 13, 13.i.-vii.]

July 6.  
Basse Terre  
in St. Kitts.

**700.** Governor Codrington to the Council of Trade and Plantations. The good Providence which I hope guards H.M. person and will attend on all her undertakings, has blest her arms under my command with better success then I could have wish't for. Her Flag is now flying on the French Fort, and the Count des Gennes with about 1,200 French men, women and children are my prisoners. I am made believe by the French themselves that a tolerable good disposition of my forces and a lucky stratagem or two made them doe that over-night, which they were very much ashamed of the next morning. I cannot now give your Lordships an account of particulars, but think myself obliged to let you know that Col. Hamilton of

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Antigua, with about a dozen gentlemen of the best estates in that Island, Col. Abbot, Col. Smith, Lieut.-Col. Butler of Nevis, with several Gentlemen of that kind attended me, and would have gone wherever I durst have led them. I could not spare Col. Byam of Antigua from thence, and Col. Pern was sick. Col. Williams has not been on his feet these six months, otherwise, as old as he is, he would not have been left behind. Col. Hamilton of Nevis commanded next under me, and had my commission as Major General, to prevent disputes in case I had fal'n. How ill an opinion soever your Lordships have of my circumspection, I shall never want a sufficient share of it to do my duty till the arrival of my furlow or congé, either of which will be welcome to, *Signed*, Chr. Codrington. *Endorsed*, Recd. Read Oct. 22, 1702. *Holograph*. 2 pp. [C.O. 152, 5. No. 2; and 153, 8. pp. 119, 120.]

July 6. **701.** Duplicate of preceding. [C.O. 152, 5. No. 3.]

July 6. **702.** Memorial of Governor Haskett in answer to the deposition of the People of Providence and Michael Cole. On arriving at Providence, with goods etc. to the value of 4,000*l.*, the Governor did apprehend himself obliged in duty to reform the many great abuses and enormities daily committed there, and to bring the offenders to due punishment. He caused John Graves, Collector of the Customs, to be prosecuted for divers great causes and misdemeanours. He procured the sloop *Success*, belonging to Read Elding, to be seized for breach of the Laws of Trade. She was condemned in the Court of Admiralty, and Elding was by the Governor's orders under prosecution for piracy and other heinous crimes. The Governor also caused a bond of 500*l.* to be put in suit against Ellis Lightwood, conditioned for his delivering up Avery, the pirate, which was forfeited by his procuring a sloop for him and conveying him from the Island. The Governor also caused a sloop of his to be seized for trading against Law. The trials of Elding and Lightwood were drawing near, when to secure themselves, they seized the Governor, etc. During his imprisonment, they seized his sloop, the *Success*. They seized Benjamin Pittman, of the *Providence* galley, detained him and his sailors, and disposed of the ship's lading. They forced the Governor aboard a small ketch, etc., and sometime afterwards his wife and sister on board a sloop in the middle of winter, without their apparel or necessaries; the sloop was cast away upon a desert coast. The Governor met with all this hard and barbarous usage because he was impartial in the discharge of his duty, and made discoveries of such offences there as tended greatly to H.M. prejudice.

It is impossible for me at present to make proof of my defence, all my written vouchers being seized and detained from me. The people that inhabit this Colony are almost all such who for several enormous crimes and villanies have either fled from, or been thrust out of all the other Colonies in America. Their method of living has been always upon piracy and plunder,

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and by defrauding the Crown of its dues, and the Proprietors of their rents and perquisites, and there has been no Governor before myself, but who, either for his profit or his quiet, shared in or at least connived at their unjust practices. *Answer to accusations.* [See No. 307.i.] (1) Upon my arrival I found one Hatton to be Minister, a man of a very desolute and lewd life, and a scandal to his robe. Upon complaint of the people that they would not pay him so much as the 160*l.* allowed him by Elding in the absence of the Governor, I and the Council settled upon him 120*l.*, but he retired into the country in a sullen mood, and refused to do his duty for about 6 weeks. I never detained him otherwise than by chiding him for his repeated debauches. (2) I never laid any tax on the people in Brazaletta wood or otherwise, save the duty on liquors, with the concurrence of the Council, to pay the Minister aforesaid. The wood I received was from the people of *Ethera*, who are subjects of this Province, and who are to pay the Lords Proprietors 1*d.* per acre rents for the lands they are possessed of, and money being very scarce among them, I offered to take the rents in Brazaletta wood for the use of the Lords Proprietors. It is now seized by the conspirators and divided among them. I never denied the people their lawful trade upon account of the wood, or otherwise. (3) During my Government I only imprisoned the following:— 4 deserters from the *Providence* galley, who publicly declared their intent to run away with her; John Graves by virtue of a writ upon a bond due to the Proprietors. He was charged in prison with granting false certificates and embezzlement. He tried to bribe me to stop or alleviate the prosecution, which I with indignation refused; Edward Holmes by virtue of a writ upon a bond; three Bermudians, for cutting and taking away from some of the Bahama Islands, six months before, some 50 tuns of Brazaletta wood without paying dues, and unloaded the same at Caresoa [*Curaçoa*]. This unlawful trade is constantly practised. One of the Bermudians petitioned for forgiveness on paying for his part of the wood, which was granted; Josias Simms, a negro, for having loaded fustick wood and unloaded it at St. Thomas's. He being in very indifferent circumstances, I compounded with him for 20 pistoles, and received them for the use of the Lords Proprietors. Upon further evidence I imprisoned him and some of his crew for piracy. The rest of the crew were conveyed away by Read Elding, the owner of the sloop; the last was Read Elding for piracy and divers other crimes. He tried to bribe me to banish him rather than stand his trial. I never received any bribe from any of them. (4) I never demanded any more than the tenths of Brazaletta wood. It is in my Instructions to take the sixth part of all wrecks and royalties belonging to the Lords Proprietors, including tortoise-shell, tho' there were so few tortoises taken, that I only received 5*l.* therefor. (5) My Commission and Instructions were read the day of my arrival before the whole people, and I was always ready to show them to the Council. (6) The port charges are the same as at Barbados, etc. I was never privy to the taking

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of any greater. (7) and (8) Upon the last Governor's deserting the Island, he deputed Elding, who arbitrarily and by corruption made several Laws, the most of which were for his own benefit and service, and wholly repugnant to the Laws of England, and were refus'd to be confirmed by the Lords Proprietors. Soon after my arrival, I call'd a Council and Assembly, in order to propose and make some Laws for the better Government of the place, and the first thing that was moved and offered was a list of the said Laws, in number about 20, made by Elding, the most of which, for the reasons aforesaid, were rejected and others of them confirmed, and several new Laws made. There was produced to me a list of the poor people of Ethera, and it was moved that a tax might be laid upon them of several hundred pieces of eight, as an allowance to the Council and Assembly at their meetings, for their trouble and time spent therein; which, as it was proposed, would have been much more than any of them could get at their trades, which I thought to be so unreasonable an imposition upon that poor people, and there being none of them present at Providence to answer for themselves, I could not, in justice, but oppose the same; whereon they immediately without any consent adjourned themselves for many months. Among the Acts made in Elding's time, the Act against monopolizing, as the Articles term it, was one, and that (among others) was not confirmed by the Proprietors; and it was so penn'd, it was thought fit to be rejected. (9) This Article is grounded wholly upon my once striking with my cane one Cole. All other Masters of ships, I have always treated them with all imaginable respect and candour. (10) Utterly false, and cannot be proved. (11) A ship belonging to the King of Portugal, bound for the *Havana*, fell in among the Bahama Islands, loaded with negroes and passengers, who were almost starved to death. I granted the Captain protection and relief, wholly against the desire of the people, who though they knew all the persons on board were ready to starve, demanded double and treble prizes for all sorts of provisions. I, to prevent such exorbitant extortion, bought what was necessary for the ship, though at very exorbitant prizes, they knowing it was for her use, and when he was furnished, I ordered a sloop to convey him to Havana, to do which, I went through many difficulties, she having a large quantity of money on board, the people of Providence contriv'd a great many stratagems in order to make a wreck of the ship, but all was prevented by the great care I took. Elding offered me a great sum if I would give him liberty privately to make a wreck of the ship by sending his brother in the night-time upon a little piece of board with a hatchet, in order to dive down and cut the ship's cable, that she might drive ashore and become a wreck; but these barbarous intentions I utterly rejected, which was very much resented by the people, not being used to be debarr'd of their ancient customs and practices. (12) When I arrived at Providence, there were not above 20 people lawfully married, and the wives of part of those 20 were taken from them by those that had more strength and

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riches than the husbands, which occasioned great animosities. For example, Elding forcibly took away the wife of one Perryman (*sic*) Trott. Lightwood deserted his own wife and took the reputed wife of the late Governor Trott. One Holmes took one Harris' wife, and drove him off the Island. Samuel Thrift forcibly took away the wife of one Starr, and detains her from him, and most of the rest live after the same manner by daily changing of wives and mistresses. I ordered the Grand Jury to enquire into all such disorders, so that upon their first meeting they presented about 20 such persons, and some proceedings being set on foot to punish, several petitioned me to grant them licence to marry the women they had lived with. Their charges amounted to three or four pounds, but for any licence granted by me I never took more than five pieces of eight, which fee is taken by all the Governors throughout the whole Indies. But the Minister was so covetous, he refused to marry these poor people if they could not present him with 24s. I myself paid for several of them. (13) Before I came to the Island, the Judge of the Court of Admiralty was forcibly drove off the Island, together with all other Commission Officers appointed from England, and were most barbarously treated by Read Elding. On their return, I confirmed them in their places, until the time of seizing me, when they also were imprisoned, till they almost starved, and an oath was extorted from them (two of them with pistols at their breasts) not to be witnesses of what they had done, the Judge of the Common Pleas having a pistol fired at him, and very narrowly escaped with his life. I never contributed any of these by my own Commission or authority. (14) I never demanded any oaths from Masters of ships, but such as the Law strictly requires me to do. I never opened any letters of merchants in business, but some letters that I had great reason to suspect were sent to foment rebellions, the contents of several of which were found to be very reflecting on the interest of the Lords Proprietors and of myself, etc.; also some directed to notorious pirates, containing instructions for setting on foot a correspondence between them and pirates of other Islands. (15) They have not thought fit to particularize. For all goods that came into port, I for the most part, gave the people liberty to buy before me, and when they were furnished, sometimes I bought the rest. (16) There happening to be an alarm upon the sight of some vessels making to the town of Providence, I commanded the Officers to order all the people into the Fort, in order to defend the place if there should be occasion; and upon return of some of the said Officers, they gave me an account that one Graves, the Collector, hindered and detained about eight or ten of our men with himself from coming to the Fort, and sent me word, he would not be obedient to my commands, nor would be hindered from going off in a boat, to see what vessels they were that stood off the place, notwithstanding I had ordered that no boats should go on board, till such time as the ships were under the command of our Fort, for that several boats, that have gone to meet vessels before they got into Port, have

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been detained, and kept on board several Pyrate ships, and have not been discharged until they have been furnished with all things necessary for their pyratical undertaking. Whereupon I was necessitated to go to the place where Graves and his men were, and did in anger drive them all into the Fort with a small cane, and believe some blows might fall upon Graves, who, ever since my coming to the Island, had been a very ungovernable person, and of whom I had continual complaints, and at the same time I ordered that if any persons offered to go on board the said vessels without my leave, that they should fire at the boats. Graves was some time afterwards committed to prison upon information given me upon the oaths of several persons that he had granted several false certificates, and had connived at the carrying on unlawful Trades, and had defrauded the King of his Customs, to the value of several hundred pounds, for which crimes he was to have been tried in few days, if he and others had not prevented it by the conspiracy. (17) The seizure of brandy and claret was made and valued truly, but no man in the place was capable of buying it, unless I would sell it by the gallon; so I bought it myself, and charged myself debtor to H.M. for one third part, as the Law directs. (18) I had a sloop, one Spatchers Master, on board which I shipped 10 negroes and nothing else but provisions for them, and gave orders to sail for Porto Prince, on Cuba, and there to dispose of the same for pieces of eight, horses or live oxen, and no other commodities, neither did they bring any else in return. The second voyage she made was to the Isle of Ethera for a load of Brazaletta wood, which she brought directly to Providence, having orders from me to do the same. The third voyage was to another of the Bahama Islands to load salt. The said sloop nor any other vessel for me, or wherein I had or was to have any interest, never did go to any other place, nor loaded nor unloaded any other goods. (19) At my going to the Government, I took with me Roger Prideaux, an attorney, of Lyon's Inn, and constituted him Clerk of the Courts, as being more knowing in the Law than any person in the Island. The fees of the Courts were the same as in England. (20) I never ordered any Brazaletta wood to be brought from any of the Islands to Providence, or elsewhere, but such as was the Lords Proprietors' dues, and paid by the people for their rents or bought with my own money. (21) In all public affairs I always advised with, and had the approbation of the Council. (22) See answer to (3). (23) Most of the people were so well satisfied with me that they had resolved to make an Address of Thanks to the Lords Proprietors for sending me to that Government. If they repented of it afterwards, as alleged, such repentance wd. be very proper to appear under their hands. Describes "the Council of Providence" who subscribed these Articles;—Ellis Lightwood, John Warren and Read Elding, old pirates, etc., as elsewhere; Richard Taliaferro during all my Government Judge of the Common Pleas, was imprison'd with me and cruelly used there for ten days, and they presented a pistol to his breast, and fired at him, which he put

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by with his hand, and so saved his life. All this was done to compel him to approve their undertaking, which he afterwards declared he did, only to save his life. Thomas Gower was turned out of Commission and became miserably poor, and was thereby prevailed with to do anything for sustenance. Thomas Williams, an old privateer and so illiterate that he cannot write his name. Thomas Dalton, now Master of a small barke, had served under pirates in the South Seas. A person of a very weak understanding. Nicholas David, a poor journeyman carpenter, working for me at 2s. 6d. a day when I was seized. Had been a privateer. Prideaux was seized with me. He confessed to me with tears at New York, he was forced to do what he did to save his life and for a share of the plunder, meaning, I presume thereby, the framing of the letter. The Letter and Affidavit are not consistent. The Letter is dated Aug. 4, and I was not seized till about the middle of October, and it is very strange that when sloops are going off every day this letter should lie dormant all that time. I am ready to make oath, that I never signed any such letter, or caused it to be written. As to the affidavits of William Spatchers, Benjamin Griffin and Peter Corane, the former was put in prison with me, whilst his wife and family were starving. So they forced him to sign a paper which they told him (for he cannot read) was only to certify his approbation of deposing the Governor. It is most likely the same method or good rewards induced Griffin and Corane to do the like. As to the Affidavit of Tabitha Alford, she was a bought servant of Read Elding, and was to be tried for making away of her bastard child, which she had by him, and consequently absolutely in his power. If I had taken the bribes, which it is true were offered me, I must certainly have set Elding at liberty, which was never done till the seizing of me.

The narrative of Michael Cole is an idle and malicious story. The want of inhabitants, and consequently of force to defend Providence made me always cautious how I suffer'd anybody to go off when shipping came near the Island, till I had them under command of the Fort, lest I might lose the people by an enemy carrying them away, or some treachery to invite pirates or strangers to cut us off. This Cole came before the place, and without showing any colours, kept off a considerable time; the place was all allarm'd and the people in arms; I fired a shot, either to send him away, or bring him ashore, the last of which it did, after he had stay'd off almost two hours, as he acknowledges in his narration. Upon demanding the reason why he made no more haste, he with his hat on and a supercilious look, told me that he knew the Indies and what respect to pay, but when he found none due, he thought none ought to be shewn. I passed over that affront, and demanded his letters. I open'd several directed to persons that I had great reason to suspect, and found a correspondence carrying on between several privateers and the Colony, which, if not prevented, must of course have ruined the Settlement, and thereby have been an extraordinary loss both to the Crown and Proprietors. In a day

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or two afterwards, a Portuguese ship in distress came in, who was amicably received by me, and relieved; but upon setting out a Proclamation that nobody should go on board without particular leave, lest the thinness of the garrison and our uncapableness of resisting an enemy should be known, he, this Cole, in the night time went on board, discover'd our misfortunes, and inform'd him of all the particulars of the place, as the Portuguese Captain informed me next day. But when this Cole, a few days afterwards, tore down a Proclamation I had ordered to be set up, bidding me kiss his xxxx, I was provoked to give him three or four blows with a small cane, and know not but his head might be broken, though he went away and seemed to have little hurt thereby.

As to the Bermudian Sloop, soon after my arrival, information was given me about the oaths of several persons, of several Bermudian Sloops who had cut, and were cutting and taking on board Brazzaletta wood from some of the remotest of the Bahama Islands, without entring and clearing. Upon which, I ordered out a sloop, with Commission to search among the said Islands, where dying woods grew and salt was made, and ambergreese found. They found Tucker in a Bermudian Sloop, cutting Brazzaletta wood, but had taken little or none on board, being just returned from St. Thomas's, to which place some few months before, he had carried her full of the said wood, without entring, clearing or paying H.M. Customs, or the Lords Proprietors' dues, as oath was made before me by a person who was then present on the place. For which reason the vessel was seized, and brought down to Providence. When I was told that Tucker and his sloop had been long practised in this trade, for that about ten or eleven months before, in the time of the preceding Governor, and in the salt season, without entering or clearing at Providence, he took in his load of salt, and carried it out of that Government to some place where he could best dispose of it, and accordingly I found an information thereof upon oath recorded in the books, which had been made before my predecessor, upon this the sloop was libelled by the Attorney General for loading the said salt, contrary to Law, and was brought to a trial at the Court of Admiralty, before John Doggett, then Judge of the said Court, and upon full evidence of Tucker and his mate's voluntary confessing the several charges to be true, the Jury found her guilty. She was condemned by the Judge, who at the same time asked the Master if he would appeal to England, but he did not, nor would appeal, knowing that several Bermudian vessels had been condemned before for the same fact; besides, that had she been libelled for the other facts before related, there was very sufficient proof against her, and indeed it has been the common trade and practice of the Bermudians for many years past to cut and carry the same dying wood to Caresoa and St. Thomas's, contrary to Law and to H.M. loss of 40s. or 50s. per tun, besides the tenths due to the Lords; and unless some care be taken at Bermudus to prevent its sloops going to the Bahama Islands, without security

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to take no such goods on board without due entrings and clearings, H.M. and the Proprietors will be constantly robb'd by them. *Summarises his defence. Endorsed, Reed. Read July 6, 1702. Printed. 14 pp. Annexed,*

702. i. Abstract of preceding. 4 pp. [C.O. 5, 1261. Nos. 126, 126. i.]

July 6.

**703.** Journal of Council of Trade and Plantations. Order of Council, July 2, upon a petition of Capt. Haskett read. He delivered a printed memorial in answer to charges of the people of Providence [July 6]. Being asked why he had not sooner been to wait upon this Board, according to his promise at his first arrival, he said that he had waited five weeks in expectation of some redress from the Lords Proprietors (before whom he had laid his case) but none [*sic*], and then thought it necessary to lay the same before H.M. Ordered that he attend again on Wednesday.

Letter from Lt. Gov. Partridge, April 17, read. Partridge's son desiring a copy of the complaints that have been exhibited by Mr. Usher relating to the disorders in New Hampshire in 1696 and 1697, ordered that the same may be given him.

Directions given for preparing a Representation upon the reference of Mr. Penn's petition, relating to Col. Hamilton's being Lieut.-Governor of Pennsylvania.

Sir Henry Ashurst attending, desired a copy of the New Hampshire Act for levying 550l. etc., which was ordered accordingly to be given him.

July 7.

Representation upon Mr. Penn's Memorial abt. Col. Hamilton signed.

Account of incident charges approved and transmitted to the Lord Treasurer.

July 8.

Representation with drafts of Commissions signed.

Capt. Haskett attending presented some papers which were read. He being asked whether he or the Lords Proprietors could prove the allegations therein, he answered he was ready to make oath to the truth of what he had advanced; but for other proof, his papers etc. having been seized, he had none, nor did he know that the Lords Proprietors had any. Whereupon he was directed to bring a more particular state of Providence with relation to the mismanagement in the Government, and to the method of carrying on illegal trade, therewith his proposal for remedying thereof, also an account how the Island may be made defenceable and the charge thereof, and to explain at large, in the best manner he can, every article in the account of goods and money etc., belonging to H.M.; and then he was advised to lay before the Commissioners of Customs an account of what he had to offer against Mr. Graves, the Collector at Providence.

Capt. Poyntz, Dr. Woodroffe, and Moses Stringer, accompanied with Monsieur Blombergh, presented to the Board a petition to H.M., with a reference from Lord Nottingham. June 24, praying to be incorporated in order to the settling of Tobago,

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which was read. M. Blombergh, though he said he did not appear with a character from the Duke of Courland, desired that the consideration of this business might be suspended till he had given the Duchess of Courland an account thereof, and had received her directions.

Order of Council, June 11, concerning Mr. Day, read. Letter to Capt. Bennet ordered accordingly. [C.O. 391, 15. pp. 120-127; and 391, 16. Nos. 120-122.]

July 6.

**704.** Minutes of Council of the Massachusetts Bay. H.E. acquainting the Board that Capt. John Hearne, H.M.S. *Centurion*, had informed him that several of his seamen had deserted, and desired a Proclamation for their apprehension, with a reward of four pieces of eight; Ordered accordingly.

Draught of letter from the Governor to John Winthrop, Governor of Connecticut, referring to the Boundary, approved.

Advised that John Phillips, who with others is nominated to attend H.E. on a journey to the Eastward, upon which H.E. intends speedily to set forward, do advance what is necessary to support the charge of H.E. and the gentlemen that attend him. Advised that H.E. issue his warrant to the Treasurer to provide 100 bushels of Indian corn and ship the same for Piscataqua, to be distributed amongst the Indians that shall wait upon H.E. there, if H.E. shall find them well disposed, or otherwise to be employed in the service of the Province.

18*l.* 16*s.* paid to Penn Townsend and Nathaniel Byfield for treating of the Gentlemen that attended the solemnity of proclaiming H.M., May 29, and for drink supplied to the Militia then in arms.

41*l.* 2*s.* 6*d.* paid to John Walley and Penn Townsend for a public dinner and drink to the Militia at the reception of H.E.

Account of Thomas Downing referred to a Committee.

H.E. nominated Paul Dudley Attorney General. The Council consented.

H.E. and Council were sworn J.P.s.

Elisha Hutchinson and John Foster were sworn Justices of the Inferior Court of Common Pleas, for Suffolk, and James Russell and John Phillips for Middlesex. [C.O. 5, 788. pp. 172-174.]

July 7.  
Whitehall.

**705.** Council of Trade and Plantations to the Queen. Refer to former report upon Col. Andrew Hamilton as Governor of New Jersey. We do not conceive it for your Majesty's service that he receive your Royal approbation as Lieut. Governor of Pennsylvania. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, Mat. Pryor. [C.O. 5, 1290. pp. 102, 103.]

July 7.

**706.** Account of Mr. Churchill the Stationer, July 3, 1701—June 22, 1702. *Total*, 83*l.* 8*s.* 0*d.* *Endorsed*, Recd, Read July 7, 1702. [C.O. 388, 75. Nos. 55, 56.]

July 7.

**707.** Account of Mr. Short, the Post Officer, for letters and packets from June 27, 1701—June 17, 1702. *Total*, 47*l.* 12*s.* 0*d.* [C.O. 388, 75. No. 57.]

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**708.** Attorney and Advocate General to the Council of Trade and Plantations. *Reply to enclosed queries: [See June 13.]* (1) The words of the Act of Parliament are express that every Governor shall be approved of by the King and take the oaths appointed. Therefore it is plain H.M. approbation must be had before such Governor can do any Act whatsoever as Governor: without it, the Proprietor's appointment is as if it had not been made. To this Mr. Penn objects that he as Proprietor is Governor, and therefore not within the Act, and I am of opinion he is not, but his Deputy Lieutenant is. But in this he excuses himself from the necessity of his return to England, which obliged him to leave a Deputy in his absence, and that his late Majesty's death prevented his applying to him, but he is now applying to her present Majesty for her approbation of him. (2) I do not find the Act of 7 and 8 William III. directs the settling an Admiralty Court in the Plantations, but supposes them already settled there. The practice of the Plantations since that Act hath been to sue for forfeitures by this Act in the Admiralty Court in the Plantations, and many unregistered ships have been there condemned, and Appeals have been to the late King in Council from such sentences, and the jurisdiction of the Admiralty Courts hath never been there denied, though the Act is confused and dark, yet the clause giving liberty to sue in any Court in the Plantations, and the Admiralty being expressly mentioned, *fol. 502*, I am of opinion the Parliament intended that Court among others in the Plantations under the general words. (3) I conceive, if a suit be first properly begun in the Court of Admiralty, pending such suit no proceeding ought to be in any other Court, and if there be a judgment given in such Court of Admiralty, it determines the matter in suit, and that determination is final, unless altered on an Appeal from the same. But the Common Informer, who is to have a third part of the forfeitures, may sue for unlawful trade either in Westminster Hall or in any Court in the Plantations, and is not restrained to the Admiralty. (4) I conceive the Commission granted by Mr. Penn to water-bayliffes doth not interfere with the Admiralty jurisdiction, for it doth not grant them any Admiralty jurisdiction, nor to execute process on the High Seas, but within the Rivers, which is within the jurisdiction of the Common Law Courts, and is only constituting a Sheriff of a County, which Mr. Penn calls a water-bailiff, and he is to execute process to be directed to him, which the Admiralty process is not, but to the Marshall of the Admiralty. On view of the grant of Charles II., I conceive Mr. Pen hath not power to erect an Admiralty Court there, the power to constitute Judges being to determine all causes within that precinct, which must be causes there, and not on the High Seas, of which the Admiralty Courts have cognizance. *Signed,* Edwd. Northey, J. Cooke. *Endorsed.* Recd. 8th. Read July 10, 1702.  $2\frac{1}{4}$  pp. *Enclosed,*

708. i. Copy of queries answered in preceding.  $1\frac{1}{4}$  pp.

708. ii. Copy of William Penn's Commission to Thomas Farmer to be Water-Bayliff of Philadelphia, 20th. 4th. month,

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1700. [C.O. 5, 1261. Nos. 127, 127*i.*, ii.; and (without enclosures) 5, 1290. pp. 109–113.]

July 7.

**709.** Account of wood and coals for the Board of Trade from March 4, 1700—March 31, 1702: 30*l.* 6*s.* for some 16 tons of coal. The prices vary from one ton of Scotch coal in April at 1*l.* 18*s.* 0*d.* to the same in December at 2*l.*; 1 chaldron of sea coals, 1*l.* 11*s.* 0*d.* 1 *p.* [C.O. 388, 75. No. 58.]

July 7.

**710.** Petty Expenses of the Board of Trade, March 25, 1701—June 24, 1702. *Total, 87l. 8s. 8d.* *Signed,* Dartmouth, Ph. Meadows, Wm. Blathwayt, Mat. Prior. 4 *pp.* [C.O. 388, 75. No. 54; and 389, 36. pp. 138–143.]

July 7.  
Whitehall.

**711.** Council of Trade and Plantations to the Lord High Treasurer. We take leave to present an account of our incident charges for two years last past, amounting to 449*l.* 11*s.* 6*d.* There being an arrear of salary for 2 years and a quarter due to this office, by which our under officers, having no other means of support, are reduc'd to great necessitys, we humbly entreat your Lordship to take the same into consideration, and that your Lordship would be pleased to order the passing a new Privy Seal for our Commission. *Signed,* Dartmouth, Ph. Meadows, Wm. Blathwait, Mat. Prior. *Account annexed.* [C.O. 389, 36. pp. 145–147.]

July 7.

**712.** Minutes of Council of Barbados. Ordered that the Attorney and Solicitor General report their opinion to-morrow whether it will be more proper for the Judges to take the oaths to H.M. and act by their old Commissions, or to have new Commissions.

Ordered that Lt.-Col. George Peers appoint a convenient number of men out of the Regiment under his command to guard the French and other prisoners of war that shall be brought in here.

Ordered that Mr. Baines, Gunner of James Fort, deliver to each prisoner under his care 1*lb.* of bread, 1*lb.* of fish and  $\frac{1}{2}$  pint of rum a day.

Error brought by John Howlett, to reverse a judgment obtained against him by John Robinson in the Court of Common Pleas for the precincts of St. Michael, was deferred at his request.

Error brought by Thomas Manwaring to reverse a judgment obtained against him by Phill. Bamfeild and Jane, his wife, in the same Court, in an action for debt for rent. It was alleged by Counsel that the Judge had not made a full return of all the Records. Ordered that they be produced at the next sitting.

Error brought by Miles Tapping *v.* John Somers was referred at the request of both parties.

Bill of costs brought against Phillip Bamfield by Henry Cleaner, upon dismissing a Writ of Error. Ordered that the former pay 19*l.* 15*s.*

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Saml. Cox ordered to pay John Warton 14*l.* 10*s.* upon a similar account.

Charles Wilson ordered to pay Thomas Walker 14*l.* 15*s.* upon a similar account.

John Thomas ordered to pay Dorothy Love, *alias* Read, 15*l.* 5*s.* upon a similar account.

Nicholas Rice ordered to pay Edward Pare and Samuel Irish and Elizabeth, his wife, 20*l.* upon a similar account.

John Fercherson and Thomas Fercherson ordered to pay Katherine Fercherson 10*l.* 15*s.* upon a similar account.

John Lewis ordered to pay John Kettlewell 10*l.* 10*s.* upon a similar account.

Capt. John Jones, who had petitioned for a special Commission to try the actions of arrest against him, prayed that some persons might be named in place of Col. Christopher Warren and Richd. Dearsely, the former being a relation of some of the parties and Dearsely having prejudged the cause. Granted.

The Hon. John Hooker was appointed Chief Judge of the precincts of St. Peter's, and Alexander Walker of St. James'. The former was sworn accordingly.

Ordered that Letters be wrote to the General Assembly to meet next Tuesday. [C.O. 31, 6. pp. 240-243.]

July 7.  
Portsmouth.

**713.** Minutes of Council of New Hampshire. The Lt.-Gov. having received the Declaration of War from H.E. Joseph Dudley, desired the advice of the Council about proclaiming it. The Militia was immediately ordered in arms at Portsmouth, and about noon the Declaration of War was published, as also at H.M. Fort at Newcastle, where several great guns were fired with sundry volleys of small shot, etc. [C.O. 5, 789. p. 93.]

July 8.  
Whitehall.

**714.** Council of Trade and Plantations to the Queen. Enclosing drafts of Commissions for the Governors of New York, Maryland, Virginia, Leeward Islands, and Bermuda. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, Mat. Prior. [C.O. 324, 8. p. 175.]

July 8.

**715.** Draught of Commission for the Rt. Hon. Edward, Lord Cornbury to be H.M. Captain-General and Governor-in-Chief of H.M. Province of New York and the territories depending thereon in America, and to be Captain-General of all forces by sea and land in Connecticut and East and West New Jersey. [Cf. Cal. 1699, No. 382; 1701, Nov. 26, etc.] [C.O. 5, 1119. pp. 145-164.]

July 8.

**716.** Col. Nicholson's Commission to be Governor of Virginia. *Signed*, Aug. 4, 1702. [C.O. 5, 1360. pp. 184-203.]

July 8.

**717.** Copy of a Commission from James, Duke of Courland, for raising of men and taking possession of Tobago. March 26, 1670. *Signed*, Jacobus. *Endorsed*, Reed. from Capt. Poyntz. Reed. Read July 8, 1702. *French*. 1 $\frac{3}{4}$  pp. [C.O. 28, 6. No. 64.]

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**718.** Copy of the Articles agreed upon between Mr. Abraham Marine, Resident in England, for the Duke of Courland, and Capt. Poyntz. Sept. 20, 1681. *Endorsed as preceding.* 6 $\frac{1}{4}$  pp. [C.O. 28, 6. No. 65.]

July 8.

**719.** Copy of a Letter from the Earl of Midleton to Mr. Blombergh signifying that King James did not think fit to permit his subjects to settle Tobago. *Signed,* Middleton. Whitehall, May 19, 1687. *Endorsed as preceding.* French. 1 p. [C.O. 28, 6. No. 66.]

[July 8.]

**720.** Capt. Haskett to the Council of Trade and Plantations. The chief part of the last settlement of the Bahama Islands, about 12 years since, was composed of the cast-out pirates of those seas, who have ever since, till the coming of Governor Haskett, practised the same without interruption, either immediately by themselves, or sending out or conniving with others in sloops they build for that purpose, and whatever they plunder they give it the name of wreck goods. They have all along cherished and traded with the greatest pirates who came into those seas, and for many months concealed and succoured the noted Avory, and procured his escape, so that by being inured to these methods of living, they never allow themselves time to plant anything, either for the benefit of trade or for their sustenance, wherefore a great part of the year the people are ready to starve, were they not supplied from other places.

The produce is the same with all the other Islands in the West Indies, and if improved accordingly will be equal with any lands there; but such improvement can never be supposed to be made, until a regulation be made of the people and their ways of life. Ever since the settlement they have constantly traded against the Laws in every respect to H.M. loss of many thousand pounds, for in one year's time, as information was given to the Governor on oath, there was as much logwood and Brazaleatta wood privately conveyed to Curasoe, as would have made 1,500*l.* Customs. Such Governors as have in the least endeavoured to restrain these practices have either been seized on by the people, or been drove off from the place by them. If a Governor will not be governed by them, or at least connive at their practices, they will not suffer him to govern at all. It was the Governor's doing his duty without a requisite force to protect him which has been the occasion of his barbarous treatment. From hence will arise a necessity of sending a sufficient strength to the said Islands, without which they will be an annoyance and loss to H.M. Dominions. To this end it were to be wished that the Proprietors, who never have made, or in probability are like to make a farthing profit by the said Islands, would surrender up their right of Government to H.M., or that H.M., upon your Lordships' Representation, would allow them something for their interest therein. If by either of these means H.M. shall be possessed of the said Islands, the Governor [Haskett] will lay before your Lordships a scheme of making them more advantageous

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to the Crown than any other H.M. Dominions in America, and hopes that for his services therein and his unjust sufferings and losses, he shall have a suitable encouragement. *Signed.* Elias Haskett. *Endorsed*, Reed. Read July 8, 1702.  $1\frac{1}{2}$  pp. [C.O. 5, 1261. No. 128; and 5, 1290. pp. 104-107.]

[? July 8.] **721.** Capt. Haskett's Account of his property in New Providence, amounting to the value of 5,585*l.*, which were all seized and shared by the conspirators. 1 p. [C.O. 5, 1261. No. 129.]

[July 8.] **722.** Account of money, *etc.*, due to H.M. in New Providence.  $\frac{1}{3}$ rd of three seizures, amounting to 320*l.* A bond of 500*l.* due from Ellis Lightwood.  $\frac{1}{3}$ rd of a sloop forfeited for breaches in trade, 400*l.* A bond of 500*l.* due from John Warren. All which the conspirators seized and divided among themselves. *Endorsed*, Reed. July 8, 1702.  $\frac{1}{2}$  p. [C.O. 5, 1261. No. 130.]

[July 8.] **723.** Inventory of wreckt goods brought into Providence April 3, 1700, in the sloop of John Groves [sic]. Richard Curtis, Commander. *Endorsed*, Reed. Read July 8, 1702. 1 p. [C.O. 5, 1261. No. 131.]

[July 8.] **724.** Memorandum of Letters relating to the seizing of the Governor of the Bahama Islands, Oct., 1701. [See Dec. 2, 1701.] *Endorsed as preceding.*  $\frac{1}{4}$  p. [C.O. 5, 1261. No. 132.]

[July 8.] **725.** Memorandum of Letters relating to H.M. right to wrecks *etc.* in the Bahama Islands, *etc.* *Endorsed as preceding.*  $\frac{1}{4}$  p. [C.O. 5, 1261. No. 133.]

[July 8.] **726.** Memorandum of Letters about the Admiralty in the Bahama Islands and of an Address to H.M. from the inhabitants. [See Dec. 2, 1701.] *Endorsed as preceding.*  $\frac{1}{4}$  p. [C.O. 5, 1261. No. 134.]

July 8. **727.** Sir Bartholomew Gracedieu to the Council of Trade and Plantations. Recommending Emmanuel Morton for Councillor of Jamaica, in place of Josiah Heathcote, as a person of great interest there, both as to estate and otherwise. *Signed*, Bartho. Gracedieu. *Endorsed*, Reed. 8th, Read July 10, 1702.  $\frac{1}{2}$  p. [C.O. 137, 5. No. 71; and 138, 10. p. 344.]

July 8. **728.** Minutes of Council of the Massachusetts Bay. Petition of Jonathan and Christopher Peake ordered to be heard Aug. 20.

H.E. acquainted the Board that Capt. George Turfrey, Commander of H.M. Fort Mary at Saco, having been heard at the Board, upon a complaint exhibited against him by several of the Garrison, and being dismissed *sine die*, he had directed him to wait upon him to the Eastward, when he would make further enquiry, and if nothing appeared to the contrary, should continue him in his post. And forasmuch as he was also Truck-Master

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with the Indians, H.E. asked the Council if they had anything to advise him in that matter. To which nothing was offered.

H.E. nominated John Leverett Justice of the Superior Court of Judicature, and Joseph Lynde of the Inferior Court of Common Pleas in Middlesex. The Council agreed.

Advised, that there be four serjeants, two drummers, and an armourer of the garrison at H.M. Castle, not augmenting the number of 120 in the whole.

H.E. proposing that, for the more vigorous prosecuting of the war, a Proclamation be emitted to encourage merchants and others to equip and set forth private ships or vessels of war for the annoying and taking of H.M. enemies etc., and to make known that due and legal Commissions should be granted unto suitable persons to command such private ships, and that all their mariners and soldiers duly listed should be free from all impresses for other services whatsoever, the Council advised accordingly.

H.E. again nominating Thomas Brattle for a Justice of the Inferior Court of Common Pleas in Suffolk, the Council were of opinion that he having been lately named in a fuller Council for that office, and not consented to, the Council ought to be anew summoned to advise thereon.

Isaac Addington, Samuel Sewall, and John Walley were sworn Justices of the Superior Court of Judicature, etc.

H.E. acquainted the Council of his intentions to set out on his journey to the Eastward to-morrow morning. [C.O. 5, 788. pp. 175, 176.]

July 9. **729.** Order of Queen in Council. Approving drafts of Commissions for the Governors of New York, Maryland, Virginia, Leeward Islands and Bermuda. The Earl of Nottingham to prepare Warrants accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read July 30, 1702. 1 p. [C.O. 323, 3. No. 135; and 324, 8. pp. 176, 177.]

July 9. **730.** Memorandum of an Order of Council, approving Representation of July 8, upon Governor Codrington's Commission.  $\frac{1}{4}$  p. [C.O. 152, 4. No. 105.]

July 9. **731.** Memorandum of Order of Council, July 9, approving Representation of July 8, upon the draught of a Commission for Capt. Bennet to be Governor of Bermuda.  $\frac{1}{4}$  p. [C.O. 37, 3. No. 75.]

July 9. **732.** Memorandum of an Order of Council of July 9, approving a Representation of July 8, upon the draught of a Commission for Col. Blakiston to be Governor of Maryland.  $\frac{1}{4}$  p. [C.O. 5, 715. No. 52.]

July 9. **733.** Memorandum of Order of Council, approving Representation of July 8, upon the draught of a Commission for the Lord Cornbury to be Governor of New York.  $\frac{1}{4}$  p. [C.O. 5, 1047. No. 58.]

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**734.** Memorandum of Order of Council of July 9, approving Representation of July 8, upon the draught of a Commission for Col. Nicholson to be Governor of Virginia.  $\frac{1}{4}$  p. [C.O. 5, 1312. No. 37.]

July 9.

**735.** Minute of Council, approving Representation that Col. Hamilton might not have H.M. approbation to be Lt. Gov. of Pennsylvania. *Signed*, John Povey. *Endorsed*, Recd. 11th. Read Sept. 15, 1702.  $\frac{1}{4}$  p. [C.O. 5, 1261. No. 144; and 5, 1290. p. 220.]

July 9.

St. James's. **736.** Order of Queen in Council, confirming Acts of Barbados (see April 4) passed May 18, 1697—Dec. 5, 1700. *Signed*, John Povey. *Endorsed*, Recd. 11th, Read Sept. 15, 1702.  $3\frac{1}{4}$  pp. [C.O. 28, 6. No. 69; and 29, 8. pp. 218-221.]

July 9.  
St. James's.

**737.** Order of Queen in Council. Repealing the Act of Barbados, "for the better securing the liberty of H.M. subjects, etc.," and declaring H.M. intention to give such Instructions to the Governor to be sent to Barbadoes as may in the best manner secure the liberty and property of H.M. subjects there, and prevent any hardship by long and unreasonable imprisonment. *Signed*, John Povey. *Endorsed*, Recd. Read Oct. 17, 1702.  $1\frac{3}{4}$  pp. [C.O. 28, 6. No. 70; and 29, 8. pp. 258, 259.]

July 9.  
St. James's.

**738.** Order of Queen in Council, approving Report of the Committee of the whole Council, upon the Representation of April 4. The Committee recommended that the Acts of Barbados therein mentioned be confirmed, except the Act for the better securing the liberty of H.M. subjects etc., which contains divers imperfections and unprecedented clauses. The Committee were of opinion that it be disallowed, and that for the satisfaction of the inhabitants. Instructions be given to the Governor. Ordered accordingly, and that a Clause or Clauses be inserted in the Instructions to be given to the Governor to be sent to Barbados as may in the best manner secure the liberty and property of H.M. subjects there, and prevent any hardships by unreasonable imprisonments in the said Island, with directions that he cause the same to be made publick and to be registered in the Council Book of that Island. The Lords Commissioners of Trade and Plantations to prepare a draft of the clause for H.M. signature. *Signed*, John Povey. *Endorsed*, Recd. Read July 27, 1702.  $1\frac{1}{2}$  pp. [C.O. 28, 6. No. 68; and 29, 8. pp. 118-120.]

July 9.  
St. James's.

**739.** Order of Queen in Council. Her Majesty having heard at the Board as well the Agents of Barbados as the Merchants and others interested in and trading to the Island of Barbados, with their Council learned, upon the petition of the merchants and others interested in and trading to the said Island, complaining of a clause of the Governor's Instructions, directing that Appeals be allowed to H.M. in Council from judgments given by the Governor and Council there, provided

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the sum or value appealed for exceed 500*l.*, and that such liberty of Appeal be demanded within 14 days after sentence, and security be given to prosecute such Appeal and answer the condemnation, and also pay such costs and damages as shall be awarded by H.M. in case the sentence of the Governor and Council be affirmed; and H.M. having also had under consideration a report from the Committee of the whole Council in this matter, is pleased to refer it to the Lords Commissioners of Trade and Plantations to consider this matter and particularly for what lesser sum it may be fit for H.M. to direct that Appeals be admitted, together with the time to be allowed for the Appellant to make such Appeal in, as also the method of admitting Appeals from the Inferior Courts in Barbados to the Governor and Council there, and to report their opinion. *Signed,* John Povey. *Endorsed,* Recd. July 31, Read Aug. 11, 1702.

1 p. *Enclosed,*

739. i. Report of Committee for hearing Appeals *referred to in preceding.* The Committee observe that by the Governor's Instructions Appeals are not to be allowed from the Inferior Courts to the Governor and Council for any sum not exceeding 300*l.* sterl., and propose that this Clause be altered in such manner as that the Governor of Barbados may be directed that Appeals be allowed from the Inferior Courts to the Governor and Council in that Island for any sum or value whatsoever; as also that Appeals be allowed to H.M. in Council from judgments or sentences given by the Governor and Council there for any sum or value whatsoever; provided such liberty of appealing from the said Governor and Council to H.M. at this Board be demanded at any time within the space of six months after such judgement and security be given to prosecute the same effectually and to answer such costs and damages as shall be awarded by H.M. in Council. *Signed,* John Povey. 1*1*/<sub>4</sub> pp.

739. ii. Copy of petition of several Planters, Merchants and others interested in Barbados and in the trade thereof, to the King. Whereas a petition was not long since exhibited to his late Majesty in Council by some persons interested in the said Island concerning an Instruction of late years giving to the Governors of that Island, *as above.* By reason of which aforesaid sum to be appealed for, the time to demand it in, and the security to be given, Petitioners and many others, as well as the aforesaid Petitioners, are exposed to great danger in their estates and interests, and are in a great measure debarr'd from their natural and legal right of appealing to your Majesty from the wrongs and injuries that may be done to them; They pray H.M. to direct such alteration to be made in the said Instruction as may seem fit. *Signed,* Wm. Cleland, Mel. Holder, Christo. Fowler, Ja. Aynsworth, Rowld. Tryon, Wm. Walker, John Gray,

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Nathl. Rous, Hen. Adderley, Henry Hale, Wm. Brooke, Robert Chester, Wm. Tryon, Jno. Norton, Richd. Sheppard, James Gohier. 2 pp.

739. iii. Copy of Petition of several Merchants and others interested in and trading to Barbadoes to the King. They and many others doe lye under great difficulties and are in danger of being great sufferers by reason of the clause *referred to above*. By reason of the shortness of the time [for demanding Appeal] and the unlimited power thereby, the benefit your Majesty intends your subjects by such Appeals is in a great measure rendered useless, and no remedy is allowed in any case that exceeds not 500*l.* value. And since by the said Instruction no execution is to be stayed in that Island during the dependance of any Appeal, it may deserve your Majesty's gracious consideration, whether there be reason to oblige persons appealing to give security for any greater value than the costs and charges of such Appeal, or to limit them to so short a time for appealing or to any sum or value to be appealed for. Upon which Instruction application having been made to the Lords Commissioners for Trade and Plantations, they have in a late Representation declared against altering the said Instruction. Petitioners pray that they may be heard before your Majesty in Council as to the reasonableness of altering the said Instruction. *Signed*, Richard Bate, Isaac Hawkins, Christopher Prissick. 2 pp. [C.O. 28, 6. Nos. 67, 67.i.-iii.; and (without petitions) 29, 8. pp. 124-127.]

July 9. 740. Order of Queen in Council. In accordance with a report of the Committee of the whole Council (July 2), the Lords Commissioners of Trade and Plantations are to prepare an Instruction to the Lord Cornbury, for H.M. approbation, directing him to induce the Assembly of New York to repeal the clause of the Act, April, 1691, *For quieting and settling the disorders that have lately happened within this Province, etc.*, enacting "that whatsoever person shall by any manner of way or upon any pretence whatsoever endeavour by force of arms or otherways to disturb the peace and good quiet of their Majesty's Government as it is now established shall be deemed and esteemed rebels and traytors to their Majesties, and incur the pains, penalties and forfeitures, as the Laws of England have for such offences made and provided," the meaning of this clause having been of late misinterpreted to the oppression of H.M. subjects, etc. [See *Acts of Privy Council, Colonial, II.*, p. 413.] *Signed*, John Povey. *Endorsed*, Reed. Read July 14, 1702. 1*4* pp. [C.O. 5, 1047. No. 59; and 5, 1119. pp. 174-176.]

July 9. 741. Order of Queen in Council. Restoring Sampson Shelton St. James's. Broughton to his office of Attorney General of New York, "whereof the Governor and Council of the said Province are to

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take notice and govern themselves accordingly." [See *Acts of Privy Council, Colonial, II.*, p. 413.] *Signed*, John Povey. *Endorsed*, Reed. Read July 14, 1702. 1 p. [C.O. 5, 1047. No. 60; and 5, 1119. pp. 176, 177.]

July 10.  
Annapolis,  
Maryland.

**742.** Sir Thomas Laurence to the Council of Trade and Plantations. I have according to my duty delivered to Col. Blakiston copies of all the Journals of Council and of the Delegates, together with the Laws and Journals of the Publick Accounts, which have passed since my coming into this Province, etc. I need not trouble your Lordships with any particulars since H.E. brings them with him. He will give your Lordships the best account of the affairs of the Province. *Signed*, Tho. Laurence. *Enclosed*, Recd. Sept. 24, 1702. *Addressed*. *Holograph*. 1 p. [C.O. 5, 715. No. 53; and 5, 726. pp. 135, 136.]

July 10.  
Jamaica.

**743.** Lt. Governor Beckford to the Council of Trade and Plantations. It was but on the 9th inst. that I had the honor of your Lops'. of March 19. These pacquettts were forwarded by the President of the Council of Barbadoes but the 1st inst., so that they must have lain some time there: and it was accidental enough that they came so soon. A brigantine from Guinea belonging to this place hapned to touch there, and so had them delivered to him. The same brigantine brought a pacquet for Admiral Benbow, who sent me H.M. Declaration of War against France and Spain, which we made publick here the 11th inst., that our inhabitants might not be surprised or our vessels unhappily taken as they were the last war, before we had any notice of it here. The following day all our seafaring people came unanimously to offer their services against the French and Spaniards and to desire commissions, which, pursuant to the resolutions of the Council, I have since granted, and but for the space of six months, that they may not be long absent, or straggle too far from this Island, and I have made them all enter into bond with some of our most principal merchants, who are their security, to follow the Instructions now and which shall hereafter be given them, soe that I do not question but that these eight sloops (already fitted and ready to sail) will fatigue both French and Spaniard more than greater ships. The Admiral, pursuant to what wee agreed upon when wee last met, has divided his fleet into three squadrons, which lye to intercept Monsr. Ducasse (the French Governor of Leogane, who is daily expected from France), the new Spanish Governor designed for Carthagena, who is to come from St. Domingue, and the Victuallers designed for Chateaurenault's fleet at the Havana. Our ships cruize, the first squadron between the two Capes of Hispaniola and Cuba, the second of[f] Cape Alteville, which is on the South side of Hispaniola, and the third between Rio de la Hache and Carthagena; so I think hardly anything can scape us. The first squadron have taken and sent down one very rich ship designed for France, and three Victuallers which were going

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for Chateaurenault's Fleet at the Havana, and we are in hopes of meeting with about 16 sail more designed as wee hear for that Fleet, which, as wee are now stationed, we can hardly miss ; and then perhaps Mons. Chateaurenault will be hard put to it for provisions. He is now, I believe, either at the Havana or La Vere Cruz ; for on the 15th inst. a Dutchman, who had been a prisoner at the Havana for 16 moneths and had made his escape to the Port of Princes, which lyes on the South side of Cuba, and was there taken on board by one of our sloops, informs me that Chateaurenault with his fleet had lain a great while there in expectation of the Flota, which lay at La Vere Cruz, that being quite tired in waiting for them, his fleet sickly, more then half his men dead, and in want of provisions, he had taken eight men of war with him, and was gone to La Vere Cruz himself, to persuade or force the Spaniards under his convoy : but perhaps he may not be able to prevail, and then the French will have made but a very bad voyage of it, after the expence of two such Fleets as those of Catlagon's and Chateaurenault's, the loss of so many of their sailors, and the disabling of some of their principal ships.

Admiral Benbow, his officers and men are (God bee praised) healthy and well, and his ships in order. Your Lordships are, I hope, sensible of the necessity of having a fleet near this Island. Wee must be Masters of these seas, and then wee may be able to doe anything against either French or Spaniard, or else wee must bee ruin'd here. Wee are so scituated that (if wee suffer them to outnumber us) nothing can come to or goe from this Island : if wee remain Masters, lying as wee doe in the heart of the Spaniards, wee shall bee able to doe them more harm then all the rest of our Settlements together, and since this Fleet is in so good a state of health, it will not, I hope, bee judged reasonable to change them ; the ships wee may, but not the men, who are now so adapted to the climate, that there will be no fear of them, and new comers will be subject to the distempers of the West Indies.

Your Lordships will, I hope, judge it necessary to have these two Regiments recruited, and could another be possibly sent, it would enable us, with the strength we now have, to undertake whatever H.M. shall be pleased to command. And I think it would be necessary that the Commander in Chief should have leave to goe with such part of our strength as he shall think fitt, whenever an advantage may reasonably be hoped for, either against French or Spaniard ; and that during the war a Lt. Gov. be appointed who may, if it be judged more reasonable, goe upon any such expedition or command here during the absence of the Governor, and a small salary not to exceed 200*l.* per annum (our Treasury being so low) may be adjudged sufficient for him. As to the inquiry your Lordships are pleased to make about the power which our Court of Admiralty act by, I shall endeavour to give your Lordships all the satisfaction I can in that point. This Island, the year it was taken, was governed by that military power which took it, until it came by successions into the hands

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of Doyly, who was called Genl. Doyley, and governed at the time of King Charles II.'s happy restauration to the Crown, who received immediately upon the King's coming in a Commission to continue him in his said government, but soon after his said Majesty for some reasons sent my Lord of Windsor with the character of Capt. General and Commander in Chief. My Lord brought with him his brother in law Mr. Mitchell, a Barrister at Law, who immediately after his arrival sat as Judge of the Admiralty, empowered I suppose by my Ld. under the powers of his Commission, for Mitchell being a Lawyer bred, it's to be presumed would never have acted without good authority. I came to this Island about the time that my Lord did, and I remember this Court was immediately settled; for within less then two months after I was one of them that returned from the taking of St. Jago upon Cuba from the Spaniards, and what wee brought from that place and afterwards from Campeache, both vessels and goods, were all condemned at that Court, which decided all maritime differences betwixt party and party. And all Governors since that first establishment have appointed and commissionated a Judge of that Court, or else vested the power in Commissioners, as it is now, so that I conceive the Court of Admiralty has alwaies been, and is now establisht by the clause in the Commission to Governors which impowers them to establish all such Courts as they shall think fit, and particularly this Court, whose power extends to criminal matters, and that by vertue of the Act for the restraining and punishing privateers etc., in which there is a clause empowering the Judges of the Admiralty (appointed by Commission from the Governors) to hear and determine all Treasons, Piracies, Felonies, etc., committed on the sea, with as large and ample power as if they were appointed by Commission under the Broad Seal of England by virtue of the Stat. of 28th Hen. VIII. And your Lordships may see by this very Act that wee have had such a Court from our first settlement here, for it confirms all the former proceedings of this Court. And it is my opinion that that Law (a very necessary one) has banished all Pirates from this place, who have been obliged to seek for refuge in the other Collonies.

When I granted the Commissions to our Privateers, I promised them that I would humbly recommend to your Lordships for their encouragement the remitting H.M. tenths, etc. However, that and all other dues shall be deteyned till I have your Lordships' directions, tho' I could wish they might be encouraged, for I durst say they will prove serviceable. I am sure I do not design, nor will I make any advantage of them, nor shall I ever propose anything but what I think will tend to the service of her Majesty. The Dutch from Curaçoa are, I understand, as busy in their Trade with the Spaniards as if there were no war, tho' it has been declared there for near a moneth's time. That Island is under the jurisdiction of their West India Company, and I suppose the Directors at Amsterdam give perticular directions to their Governor there to be sure they must supply the Spaniard with both ammunition and provision, and I am

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afraid our Northern Plantations will send most of theirs thither, for if they carry on that trade, our people will meet with a better price there then at this Island, which will by that means be disfurnished. And it has been represented to me as a grievance by some of our merchants that the Dutch were suffered to trade and our hands tyed up, and truly we are no more able to live without a trade with the Spaniard then they. Perhaps this may be worth a thought, and whatever directions your Lordships shall bee pleased to give in this or any other matter, shall be punctually complyed with by, *Signed*, Pe. Beckford. *Endorsed*, Recd. November 13, Read Dec. 1, 1702. 5 pp. *Enclosed*,

743. i. Minutes of Council of Jamaica, July 11, 1702. *Endorsed*, Recd. Nov. 13, 1702. 2 pp. [C.O. 137, 5. Nos. 72, 72.i. ; and (without enclosure) 138, 10. pp. 370-380.]

July 10. 744. Abstract of preceding. [C.O. 137, 45. pp. 4, 5.]

July 10. 745. Journal of Council of Trade and Plantations. Sir Bevill Granville attending, the draught of his Instructions was communicated to him, and a copy ordered for his perusal.

Memorial from Sir Bart. Gracedieu read, recommending Emanuel Morton for the Council of Jamaica in place of Josiah Heathcote, lately come from thence. Ordered that he produce a certificate from Heathcote of his not designing to return.

Letter from Lord Cornbury, May 18, read.

Mr. Attorney and Mr. Advocate General's answer to the Queries relating to Pennsylvania read. Ordered that Sir John Cook be desired to attend on Monday.

Letters from Col. Codrington, April 3 and 23, and May 10, read, and the papers referred to in the last. [C.O. 391, 15. pp. 127-129 ; and 391, 96. No. 123.]

[July 13.] 746. Capt. Haskett to the Council of Trade and Plantations.

An account of the irregularities of the people and Government of New Providence, with their remedies. (1) *Of their piracies* : A short time before my arrival, Elding and some others fired on a New England vessel from Jamaica : the master and men betook themselves to their boat, upon which Elding and his followers seized the vessel and her lading and shared the same among them. Soon afterwards some of the same people with Saml. Thrift for their leader set on a brigantine of New York and by chasing and firing on her, ran her aground at the Isle Ethara, and drove the seamen out of her upon the land, plundered the vessel and carried the goods to Providence, calling them wreck-goods. About the same time one Curtis set out upon a voyage in a sloop with ten men all well armed, and about two months before my arrival brought in English and West India goods to the value of 1,200*l.* I finding that such goods went under the denomination of wreck-goods, made a strict enquiry. Some of the crew told me they found the wreck at Maregoana of the Bahama Islands, and some at another. To discover the truth, I sent out a sloop, which reported that at the said Island

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Maregoana they found a vessel burnt down to the water and near 20 men dead on the shore. There is no one, I think, but from such circumstances would have concluded that they had committed a barbarous robbery ; of which Curtis was so conscious that he kept out at sea all the time of my Government. But not being able to get any positive evidence, I could not convict them. About a month before I was seized, a sloop of Elding's, Symms, a negro, commander, came into port after about 4 months' voyage among the Islands, who in her return found an English vessel that had lost her way, and whose men were ready to starve, upon which they plundered her, murthered the surgeon, and set the rest of the men adrift in a small boat and then fire to the vessel. All which appeared to me upon the oath of William Gibbons, one of the said sloop's crew, as also that Simms was the person that murdered the surgeon. Simms told me that the surgeon told him that he had undergone a great many hardships and was very ill, and desired that he would put an end to his life, and that thereupon out of charity he took a broad axe and cut off his head. I committed him to prison for the murder, and he was to have been tried three days after the time I was seized on. (2) *Of their aiding pirates : Quotes* affidavit of John Hotham of Elding's furnishing Capt. Hyne, the pirate, with provisions, etc. I have often, in the time of my Government, intercepted letters from known pirates, particularly Kelly, an Irishman, who shelters himself at St. Thomas and the Isle of Ash [Ile de Vache ?], the last of which islands is only inhabited by pirates, to several of the inhabitants, to come off the place and furnish them with necessaries ; and other letters were to know the strength and riches of the Island, that they might at a proper opportunity plunder it, and other letters were to be informed when they might privately come on shore for shelter and protection. *Of their breach of Trade, etc. : By shipping to Curesoa, St. Thomas's, etc., without entering or clearing.* There are yearly twice as many commodities of the growth of the Islands privately shipped off and sold at foreign places by the connivance of the Governors and Collectors of Providence, without paying Customs, than do pay Customs. The Customs of braziletta, fustick and cotton wood only, if duly collected, will be near sufficient to maintain a force to defend the same. *Of their seizing their Governors : Ever since the settlement they have seized and imprisoned their Governors, except Mr. Trott, who connived with them, etc.* The first Governor, Jones, was three several times put in irons and as often released by the people, that he might each time more and more amend his behaviour towards them in permitting their illegal practices, which he accordingly promised to do. Governor Webb, for his kindness to one party, was so threatened by their contrary party, that he, for fear of their ill usage, made his escape privately from the place. *Of their debauchery : They sometimes by consent and sometimes by force openly use the wives of each other, and several of them their sisters and daughters ; and indeed, every man seems to have a property in every woman.* And to these

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vices they constantly add swearing and drunkenness. The Minister often neglects all manner of Church duty, sometimes for two months together, and joins with them in their immoralities.

The only remedy is that H.M. should take possession of the Islands and send a Governor thither, with a convenient force to put the Law in execution, and prevent the Islands from falling into the hands of the enemy. The Ringleaders of these crimes ever since the last settlement were and are Read Elding, John Warren, Ellis Lightwood, and John Graves. *Endorsed*, Recd. 13th, Read July 14, 1702.  $4\frac{1}{2}$  pp. *Enclosed*,

746. i. A particular account of money due to H.M. for forfeitures, bonds, etc., from the inhabitants of New Providence. *Cf.* July 8. *Endorsed as preceding.* 2 pp. [C.O. 5, 1261. Nos. 135, 135. i.; and 5, 1290. pp. 114-127.]

July 13. **747.** Council of Trade and Plantations to Lt. Gov. Bennet. Whitehall. Enclosing Order in Council, June 11, concerning Saml. Day (*q.v.*), and directing accordingly. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt. [C.O. 38, 5. pp. 240, 241.]

July 13. **748.** Journal of Council of Trade and Plantations. Papers referred to in Col. Codrington's Letter of May 10, relating to Col. Elrington's death, read. Copies ordered to be sent to Mr. Burchet.

Letter from Col. Codrington, May 14, read.

Letter to Capt. Bennet, with Order of Council of June 11, signed.

Letter from Col. Bayard, April 24, read.

Letter to Lord Cornbury, in answer to his of May 18, ordered to be prepared.

Capt. Hasket laid some papers before the Board.

Sir John Cook, H.M. Advocate General, attending, further queries were agreed upon and ordered to be sent to him with the desire of the Board that he advise with Mr. Attorney General thereupon, in order to the return of their joint opinion upon them. [See July 14 and 23.]

July 14. Order of Council, July 9, for draught of an Instruction to Lord Cornbury read.

Order of Council, July 9, directing Mr. Broughton to be restored to his office, read. Ordered that it be sent to Lord Cornbury in the letter ordered yesterday.

Order of Council, July 2, concerning Col. Bayard's Appeal, read and ordered that a copy be likewise sent to Lord Cornbury.

Mr. Lodwick acquainting their Lordships that the Assembly of New York had passed an Act to pay Leisler's debts, and praying that it might not be confirmed, a clause relating thereto was added to the letter of Lord Cornbury. This letter was signed.

Letter, proposing Mr. Morton for the Council of Jamaica, signed.

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Order of Council, July 2, approving an Act of Barbados, read.

The Memorial and the Account of Money due to H.M. from the Inhabitants of New Providence, received from Capt. Hasket, read. Copies ordered to be sent to Mr. Lowndes.

July 15.

Letter from Lord Cornbury, May 3, read.

Mr. Blathwayt acquainted the Board about some Bills of Exchange drawn by Capt. Nanfan [*as July 16*]. Letter to Lord Cornbury ordered accordingly.

Mr. Birch attending with William Sussex and Thomas Carey, who offered to be his sureties in 2,000*l.* as Deputy Governor of the Bahama Islands, he was told that he should have notice when their Lordships should be ready to receive his security. Meantime he was desired to lay before the Board his Commission and Instructions.

Capt. Hasket presented to the Board a draught of the Island of Providence, and desired their Lordships to suspend their report to H.M. relating to Mr. Birche's having H.M. approbation as Governor of the Bahama Islands, for he was going down to all the Proprietors in the Country, to endeavour to persuade them to withdraw their Commission to Birch, and to make a surrender of their right of Government to H.M., which he said all of them, except Mr. Granville, were inclinable to do. [C.O. 391, 15. pp. 130-139; and 391, 96. Nos. 124-126.]

July 13. **749.** Minutes of Council of New Hampshire. *Present,* Portsmouth. H.E. Joseph Dudley, Wm. Partridge, Lt. Gov., etc. H.M. Letters Patents constituting Joseph Dudley Governor and Commander in Chief was read and published. His Commission to be Vice-Admiral was produced in Council. H.E. took and administered to the Lt. Gov. and Council the oaths, etc., appointed. He declared all officers continued in their stations.

July 14. H.E. by the advice of H.M. Council thought fit that the Assembly continue in their stations, and notwithstanding they were adjourned by Lt. Gov. Partridge till the first Tuesday in August, Ordered that the Sheriff give notice to each Member of the Assembly to appear in General Assembly at Portsmouth on Friday morning by 10 of the clock, and that writs be issued forth for the new election of three Members of the Assembly *in loco* Samuel Penhallow and John Plaisted of Portsmouth, and Henry Dow of Hampton, who are now Members of Council. [C.O. 5, 789. pp. 97-101.]

July 14. **750.** William Atwood to the Council of Trade and Plantations. 'Tis my great misfortune that the grateful acknowledgment of your Lordships' favourable opinion of my zealous endeavours for the service of the Crown, and of the benefit of that protection of which your Lordships were pleased to assure me by Mr. Popple's of Jan. 29, should be accompanied with a melancholy representation that this, tho' communicated to our Governor, was not enough to prevent my suspension ye 9th inst., in great measure for those judicial proceedings, which had the approbation of

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your Lordships. Yet I am not the only reputed criminal concerned in ye late administration, since 5 of us, being all who took care of the Government under King William, were suspended in one day. After my suspension my Lord delivered me 33 articles, which I had no time given to answer, a short view of which I presume to enclose and hope to be able soon to follow and lay before your Lordships a full answer to every particular. Tho' recrimination would by no means extenuate my offences, if I were guilty in any one of the particulars with which the enemies to the late administration and to the Laws of England, chiefly those against illegal trade, would blacken me, if I may be permitted to show how I vindicated the honour of the Laws while I could execute my office, and what Law has obtained by the not attending to the authorities which I have cited, and since my being deprived of all opportunities of that kind, I may hope 'twill induce your Lordships, whatever becomes of me, effectually to interpose for the restoreing the Laws to their due force and credit, the attempting which has occasioned much trouble to your Lordships most unfortunate and dutiful humble servant.

*Signed, W. Atwood. Endorsed, Recd. Read Sept. 24, 1702.*  
*Holograph. 1½ pp. Enclosed,*

750. i. A Reply to the 33 Articles presented by the Merchants to the Lord Cornbury against Mr. Atwood, Chief Justice of New York. *Signed, Wm. Atwood. Endorsed, Recd. Sept. 24, 1702. Holograph. 8 pp. [C.O. 5, 1047. Nos. 61, 61. i.; and (without enclosure) 5, 1119. pp. 207-209.]*

July 14. 751. Wm. Popple, to Sir Edward North, H.M. Attorney Whitehall. General. The Council of Trade and Plantations desire your opinion upon the enclosed queries. *Annexed,*

751. i. Queries sent to Mr. Attorney and Mr. Advocate General relating to Admiralty Courts in the Plantations. (1) Whether the Courts of Admiralty in the Plantations have any further jurisdiction there than is allowed of, or usually exercised in England, and what that jurisdiction is. (2) Whether they can or ought to take cognizance or hold plea of causes or questions which arise concerning the importation of any goods into or out of the said Plantations or of frauds in matters of trade and navigation committed in any part of such Plantations, (3) and particularly, in case any ship shall sail up a River in the Plantations with prohibited goods consigned to or intended for the use of the inhabitants of that place, or in case they shall export goods illegally from thence, Query, where the trial of such offences shall be had, whether in the Courts of Admiralty, or in the Common Law Courts; and whether the Informer or Seizer may choose the Court where he shall sue for the condemnation of the ship and goods, and the penalties and forfeitures arising thereby. [C.O. 5, 1290. pp. 128-130.]

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Whitehall.

**752.** Council of Trade and Plantations to Governor Lord Cornbury. We have received your Lordship's letter of May 18, which mentions one of the 3rd sent by way of Philadelphia, which being not come to our hands, we desire your Lordship to send constantly duplicates of whatsoever you may write or transmit. We are very glad to understand your Lordship's safe arrival, which as it will have put a stop to those violent proceedings which were then on foot, so we doubt not but your prudent conduct will greatly tend to the composing of all heats and animosities that have so unhappily disturbed the peace of that Province. We cannot but advise your Lordship to have that principally in your endeavours, and shall expect the account which you promise us of what may relate to the condemnation of Col. Bayard and Mr. Hutchins, and the occasion thereof, so soon as you are able to perfect it, that the whole matter may be laid before H.M. In the meanwhile we are to acquaint your Lordship that H.M. having been informed in Council that Sampson Shelton Broughton, H.M. Attorney General, having fallen under the censure of the Lt.-Governor<sup>o</sup> and Council of New Yorke, for delivering his opinion relating to the crimes objected to Col. Bayard and Mr. Hutchins, we send your Lordship here enclosed H.M. Order in Council for restoring him to his office, H.M. judging it not fit that any person should be punished for giving his opinion in matters refer'd to him. And that your Lordship may be fully informed of H.M. pleasure relating to Col. Bayard and Mr. Hutchins, we send the enclosed transcripts of originals transmitted by their correspondents. Lastly, we hope your Lordship will receive herewith cloathing and accoutrements for the Four Companies under your command, the same being sent over by Mr. Champante, which will be more necessary since your Lordship acquaints us with the ill condition thereof.

*Signed*, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt.

*P.S.*—And whereas we are given to understand that the Assembly of New York have passed an Act or Acts for reparation of damages pretended to have been sustained by Leisler, we send you enclosed a former Instruction to the Earl of Bellomont from this Board to the contrary, which Instruction was to be the guide of Capt. Nanfan. We take these proceedings to be very irregular and not fit to be allowed of. *Signed as above.*  
[C.O. 5, 1119. pp. 183–186.]

July 14.  
Whitehall.

**753.** William Popple to Josiah Burchet. The Council of Trade and Plantations having understood from Coll. Codrington that Captain Elrington, Lieutenant-Governor of Nevis, has been lately killed by Captain David Chambers, belonging to one of her Majesty's ships of warr, they have commanded me to send you the enclosed copies of papers which he has transmitted to them relating thereunto for the information of his Royall Highnesses Councill. [C.O. 153, 7. pp. 493, 494.]

July 14.  
Whitehall.

**754.** William Popple, junr., to Mr. Lownds. Enclosing, for the information of the Lord High Treasurer, account of money

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due to H.M. from the inhabitants of the Bahama Islands upon forfeitures, bonds, etc., received from Capt. Hasket. [C.O. 5, 1290. p. 128.]

[July 14.]

**755.** Petition of Henry Adderly and Charles Lodwick, on behalf of Col. Bayard, to the Queen. By a malicious prosecution in New York, Feb. 1702, Nicholas Bayard was imprisoned, indicted and convicted, and had sentence of death and forfeiture passed upon him as in cases of High Treason, for offences pretended to be committed against an Act of Assembly there made (*clause quoted. See July 9.*) The only facts attempted to be proved against him were the signing and encouraging others to sign a petition to H.M. and another to Parliament and an Address to H.E. the Lord Cornbury before his arrival, none of which writings were produced at the trial, but 'twas alledged that they contained complaints of grievances and misdemeanours against some persons there acting under H.M. authority. There was no evidence sufficient either for the Grand Jury or Petty Jury to find Nicholas Bayard guilty, and yet by extraordinary methods and contrivances they were prevailed upon to give their verdict. Your Petitioners are advised that the said offences, if true, are not so much as misdemeanours, or at most but misdemeanours and not capital offences, and also that the same are not within the intention of the said Act, or if within the said Act, yet that no sentence of death or forfeiture for High Treason can be inflicted by virtue of the said Act as the same is penned, or if the same Act will bear such construction, your Petitioners are advised that the same Act is contrary to the Fundamental Laws of England and therefore voyd. Your Petitioners, fearing the violence of the prosecution, have obtained your Majesty's Order for reprieve, which is lately sent away and 'tis hoped will prevent the execution of Bayard, but the Attainder and Forfeitures still remain. Your Petitioners therefore most humbly beseech your Majesty on the behalf of the said Nicholas Bayard, that he may be admitted to bring a writ of Error to reverse the said Judgment and Attainder, and for that purpose that the Record and all proceedings may be transmitted relating to the premises, together with the Minutes of all the evidence at the trial, etc. *Signed,* Henry Adderly, Charles Lodwick. *Copy.* 3 pp. *Annexed,*

**755. i.** Order of Queen in Council. St. James's, June 18, 1702.

Referring above petition to Mr. Attorney and Mr. Solicitor General for their opinion what is fit for Her Majesty to do therein. *Signed,* John Povey. 1 p.

**755. ii.** Order of Queen in Council, St. James's, July 2, 1702.

Upon reading a Report from Mr. Attorney General and Mr. Solicitor General upon the above petition, that "it appears that the proceedings against Col. Bayard are very extraordinary and may be proper for your Majesty's consideration, and we are therefore humbly of opinion that it is reasonable for your Majesty to give leave to Col. Bayard to be heard before your Majesty in Council touching the Treason objected

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against him, and to that end to give leave for him to appeal from the proceedings in New York, and that the Minutes of the Evidence taken by the Officer of the Court there, if any such be, may be transmitted with the Record, that thereby your Majesty may be informed of the evidence that was given against him, which will be of use to incline your Royal Mercy. *Signed, Edw. Northey, Sim. Harcourt. June 20, 1702.*" Her Majesty with the advice of her Privy Council approves the said Report, and Col. Bayard is admitted to Appeal accordingly, and to bail, upon sufficient security. Copies of evidence and proceedings to be transmitted from New York.  $2\frac{1}{4}$  pp. *The whole endorsed,* Recd. Read July 14, 1702. [C.O. 5, 1047. No. 62; and 5, 1119. pp. 177-183.]

July 14. **756.** Council of Trade and Plantations to the Queen. Whitehall. Proposing Emanuel Morton for the Council of Jamaica, in place of Josiah Heathcote who does not propose to return thither. *Signed, Dartmouth, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, Mat. Prior. [C.O. 138, 10. pp. 344, 345.]*

July 14. **757.** Minutes of Council of Barbados. Letter from the Council of Trade and Plantations, May 8, with directions to observe the enclosed Declaration of War read. Ordered that other packetts for the several Plantations, brought at the same time, be forwarded with all speed at the public cost. Ordered that the great inconvenience of sending packetts to be forwarded from hence to other Plantations be represented to their Lordships, it being very difficult to meet with vessels bound for those parts, and the great and excessive charge and expense that attends the hire of vessels on purpose, besides uncertainty of procuring them.

John Cotterell undertook to take care of the House and Plantation taken of Thomas Pilgrim, and everything sent in there, for the use of the Governor, who is daily expected, at the rate of 4*l.* per month.

Alexander Walker took the oaths etc. as Chief Judge for St. James'.

Col. John Mills was appointed and sworn Chief Justice of the Pleas of the Crown and Chief Baron of the Court of Exchequer, in place of Richard Forstall, who desired to be excused.

Whereas there is an absolute necessity for calling a General Assembly, who, having been lately called, have expressed some doubts concerning the legality of the directions of the writs, and thereupon have refused to choose a Speaker, and to act as an Assembly, to the great endangering (as we apprehend) the safety of this Island, and so are become dissolved, This Board therefore, in tender regard of their common safety, thinks it necessary and doe order that writs issue out forthwith for the choice of another Assembly, directed according to the Act of this Island, the said writs to be publisht the three next following Sundays according to the usual custom.

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The Secretary prayed to be excused from buying supplies for the Governor, as ordered July 1, because no money can be ordered out of the Treasury for private uses without a Committee of Assembly.

Petition of several Masters' of vessels in the roads, bound for the northward and ready to sail, praying the benefit of the convoy of H.M.S. *Kinsale* to latitude 18°, granted.

Address of the Grand Jury of the last Grand Sessions to H.M. was read and ordered to be sent home. [C.O. 31, 6. pp. 243-245.]

July 15. **758.** Gilbert Heathcote to Wm. Popple. Recommending Edmund Edlyn in place of Josiah Heathcote to be a Councillor of Jamaica. *Signed*, Gilbert Heathcote. *Endorsed*, Recd. Read July 16, 1702. 1 p. [C.O. 137, 5. No. 73.]

July 15. **759.** Minutes of Council of Bermuda. On a motion about the great number of men going out unto the Bahama Islands at this juncture, it is the opinion of this Board that only 120 white men may be spared to go in that voyage, and that any vessel under 30 $ft.$  take 7, of 30 $ft.$  or upwards, 10, a brigantine or vessel, 20.

On a motion about Capt. Edward Jones, late Provost Marshall and Secretary, that he would not deliver the bonds and papers of his office, to be put on record, especially one bond entered into by Col. Day to Mr. Mears, which is to be returned to England, Ordered that unless upon the demand of the present Secretary he delivers them up to be recorded and the originals to be returned to him, then that John Rawlings, Provost Marshall, take him into custody. [C.O. 40, 2. p. 47.]

July 15. **760.** Minutes of Council of Virginia. Major William Buckner, Collector of York District, and Lt.-Col. Willoughby Allerton, Naval Officer of the Upper District of Potomack, came before H.E. in Council, and made oath to their respective accounts of the penny per lb.

21*l.* paid to William Robertson for a sute of sails to H.M.S. *Betty*.

Upon representation that several ships had not completed their lading, etc., the Collectors and Naval Officers were empowered to clear such as shall give bond to sail with the Fleet. No ship to be cleared after the departure of the Fleet till farther order. Capt. Moodie, H.M.S. *Southampton*, to stop all ships bound to Europe, who shall attempt to sail out of this Colony after the departure of the Fleet, until further order.

The Council were of opinion that it is for H.M. service that the *Eagle* advice boat, shortly expected from Maryland, attend this Colony, and that she be ordered to cruize in the Bay, either jointly with the *Southampton*, or separately; and that H.E. issue orders accordingly to Capt. Nathaniel Bostock upon his arrival. Upon reading a petition of the French Refugees at Manikin Town, praying a present supply out of the money arising by

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the sale of the cargo sent in for their use, and also praying that Charles de Sailly may be ordered to account for such sums as he hath been entrusted with on their account, these matters were referred to Mr. Auditor Byrd, and the Refugees were ordered to apply themselves to him.

H.E. was pleased to recommend to Mr. Commissary Blair to take care that the French Ministers at Manakan Town conform themselves to the Liturgy of the Church of England, being he had been informed they did not. And in regard the French Refugees in their petitions do frequently call themselves the French Colony, and it appearing that the many differences that have arisen among them do chiefly proceed from an opinion that their settlement is to be under a distinct Government from the rest of this Colony, which has occasioned great dissensions amongst some persons pretending to rule over the others, to the manifest prejudice of that settlement, H.E. was pleased to order that the Refugees shall not hereafter use the title of a Colony, and for the future all their petitions to him shall be in the English tongue.

H.E. laid before the Council a Representation made to him by some of the Justices of James City County Court, July 6, setting forth that they having met that day to try causes, all the other Justices withdrew; and praying that H.E. would add some new Justices to the Commission. As the matter was now coming before the General Court, the Council did not think fit to add to the Commission.

5l. per annum ordered to be allowed for looking after the careening place made by Capt. Moodie at Point Comfort.

The Council adjourned. [C.O. 5, 1409. pp. 241-243.]

July 16.  
Whitehall.

**761.** Council of Trade and Plantations to Governor Lord Cornbury. We are given to understand from my Lord Godolphin, High Treasurer, that several Bills of Exchange are come to his hand drawn by Capt. Nantfan upon the late Commissioners of the Treasury for 500l. sterl., upon pretence of applying the same to the fortifications of the Province of New Yorke, in pursuance of an Order to Lord Bellomont; and his Lordship conceiving that the said proceeding is irregular in form, but apprehending that the same was no ways well intended, the said Bills being dated April 22, few days before your Lordship's coming and long after there was reason to expect your arrival, not thinking fit to accept the same, has desired us to acquaint you therewith, and withal to give your Lordship direction that no such Bills be drawn hereafter by your Lordship, or any person whatsoever upon the Treasury; but that your Lordship after a new survey of the fortifications and other public works do certify the same to this Board, that in case any supply be necessary from H.M. over and above what shall be raised by the Assembly, the same be submitted to H.M. to give such Order therein as H.M. shall think fit. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt.

*P.S.*—We have received yours of May 3, and are expecting to receive a further account from your Lordship of the state of New York. [C.O. 5, 1119. pp. 193, 194.]

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July 16. **762.** William Popple to Sampson Shelton Broughton, Attorney General of New Yorke. I have laid your letter before the Council of Trade and Plantations. They have not given me any particular directions for answering it, which is the usual (and almost the only) ground of my writing to any one in the Plantations about the affairs of those parts. But I will take the liberty now to acquaint you that the late unhappy divisions in the Province of New Yorke have not turned to your prejudice, etc. [See July 14.] [C.O. 5, 1119. pp. 191, 192.]

July 16.  
Whitehall.

**763.** Council of Trade and Plantations to the Queen. Recommending Mr. Birch as deputy Governor of the Bahama Islands. "Two merchants of the City of London have offered to be his sureties in a bond of 2,000*l.* sterl. for his observing the Acts of Parliament relating to trade, and the Instructions that shall be given him by your Majesty relating thereunto." *Signed*, Dartmouth, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, Mathew Prior. [C.O. 5, 1290. pp. 142, 143.]

July 16.  
Whitehall.

**764.** Council of Trade and Plantations to the Queen. Offering three Acts of Antegoa, Aug., 1701, concerning Henry Pearn, Alexander Crawford and John Fry, jr., for H.M. approbation, in accordance with the reports of the Attorney and Solicitor General. *Signed*, Dartmouth, Rob. Cecil, Ph. Meadows, Wm. Blathwayt, Mat. Prior. [C.O. 153, 7. pp. 497-499.]

July 16.  
Whitehall.

**765.** Journal of Council of Trade and Plantations. Letter from Mr. Broughton, May 4, read.

Letter to Lord Cornbury signed, and ordered to be sent to Mr. Lodwick for conveyance.

Mr. Solicitor General's Report on an Act of Antego, together with the Act itself, read. Representation thereon signed.

Representation recommending Mr. Birch signed.

Letter from Gilbert Heathcote read.

Letter from Mr. Addington, with enclosures, read.

Mr. Birch laid before the Board his Commission and Instructions from the Lords Proprietors of the Bahama Islands. Copy taken. [C.O. 391, 15. pp. 140, 141; and 391, 96. No. 126.A.]

July 17.

**766.** Minutes of Council in Assembly of New Hampshire. The House of Representatives announced that they had chosen Capt. John Pickering, Speaker.

Petition of several inhabitants of Hampton read, praying relief from paying rates to this Government and the Massachusetts Government. Ordered that a copy be sent to the Secretary of Boston for H.E. to consider of these, and that in the meantime the Constables of Hampton be wrote to by the Secretary to make no distress upon them. H.E. declaring he will also order the same to be done at Salisbury, when he comes to Boston.

The House attending, H.E. addressed them.

The oaths, etc., were administered to Samuel Keais, Wm. Cotton, and Francis Page, new members of the Assembly.

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Half a barrel of powder sent to James Blagden at the Isle of Shoales for H.M. service.

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H.E. summoned the Speaker and Representatives to take the oaths appointed, which they did.

Robert Elliott was sworn a Councillor.

The House sent up the following Resolutions :—That there be an Address of condolence and congratulation to H.M., and an Address of thanks for the settlement of the Government ; that a Bill be drawn up to have the powder money paid in specie ; that there be a present to the Governor, and money raised to make good the former votes and disbursements, in all 500*l.* ; that there be an Address to the Governor by the Council and Assembly to represent the matter of timber to H.M., so as that an Act may be properly made thereupon ; that a Committee of both Houses be immediately chosen to draw up the Bills aforementioned.

The Council consented to these votes, and a Joint Committee was appointed. [C.O. 5, 789. pp. 299.A.—305.]

July 18. **767.** E. Jenings to the Council of Trade and Plantations.

Williamsburgh. Returns thanks for appointment as Secretary of Virginia. On your Lordships' Representation I am commanded to actual residence at Williamsburgh, of which I shall be very observant, as soon as possible convenience will admit ; noe houses to be rented. I am building, which I hope to finish before the Offices can be removed to the Capitol. I am reasonably happy in my present situation, an hour's time compassing the journey, etc. *Signed, E. Jenings. Endorsed, Recd. 21st, Read Sept. 22, 1702.*

2 pp. *Enclosed,*

767. i. List of Rivers and Creeks and of Admiralty and Customs Officers in Virginia. *Endorsed, Recd. Sept. 21, 1702.*

1 *large p.*

767. ii. List of the parishes, ministers, tithables, and of the Trustees, Governors and number of scholars (29) in the Royal College of William and Mary in Virginia, July 8, 1702. *Endorsed as preceding.* 1 *large p.*

767. iii. List of the Acres of Land and of the Court Officers in Virginia. *Total of acres, 2,129,550. Total of tithables, 25,099. Endorsed as preceding.* 1 *large p.* [C.O. 5, 1312. Nos. 38, 38.i.—iii. ; and (without enclosures) 5, 1360. pp. 226—228.]

July 20.

Boston.

**768.** Lt.-Governor Povey to the Council of Trade and Plantations. H.E. the Governor being within his Government of New Hampshire, I acquaint your Lordships with an unhappy accident hapning within this Province, whilst I was Commander-in-Chief. On July 14, being at H.M. Castle on Castle Island, of which H.E. hath made me Capt., I received complaints from several merchants of the men belonging to their ships and coasting vessels, outward bound and ready to sayle, being impressed by Capt. Robert Jackson, H.M.S. sloop *Swift*, which brought expresses for the Declaration of War and was bound back again for England, on board of some of which vessels Capt. Jackson

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left not so much as one person, to the hazard of the ships and lading, and to the hurt of Navigation ; which action of his in impressing of men, not only upon the water, but upon the land also, without having made application for any order or warrant to H.E., before his going out of the Province (who then asking him if he had anything to desire of him for the Queen's service, answered, No.), or to myself since, being expressly contrary to H.M. Instructions to H.E. and of great grievance and injury to her subjects, as well as a high affront to H.M. authority here established, I thought it my duty to give relief to the merchants in that matter, and to order the men so illegally and irregularly impressed to be discharged, acquainting the Capt. of H.M. sloop, that upon his application then to me, I should take care to supply him with what men he wanted, but he refusing, and endeavouring to get by the Castle with the sloop, and so out of my Command, contrary to his promise in a letter which he sent me, as well as my express orders left with the Lieut. of the Castle, at my coming off, and made known to the Captain, the said Lieutenant was obliged, to prevent her passing the Castle, to fire three shot at her, the last of which struck the head of her capstan, killed one man and wounded five more, whereupon she came to an anchor and the Captain came up to town, and being sent for before me, behaved himself in a most violent manner, all which is fully proved in the evidences taken upon oath which I have sent to the Lord High Admiral. I therefore suspended the Captain from his command and committed him to the custody of the Marshall of the Admiralty till a convenient opportunity offers for his transportation to England, in order to his being brought to answer for his misdemeanours here committed, and have committed the command of the sloop to the officer next that ought to succeed. *Signed, T. Povey. Endorsed, Recd. Read Sept. 22, 1702. 3 pp. Enclosed,*

768. i. Lt.-Gov. Povey's certificate as to the genuineness of enclosed documents. *Signed, T. Povey. Endorsed, Recd. Read Sept. 22, 1702. 1 p.*

768. ii. Memorial of Col. Thomas Povey, Lt.-Gov. of the Massachusetts Bay. *To same effect as above. Signed, T. Povey. 4 pp.*

768. iii. Copy of Deposition of Sarah Lambert, Widow, of Boston, and Sarah her daughter, as to Capt. Jackson impressing Edward Storey, lodging in her house. *1 p.*

768. iv. Copy of Deposition of John Gullison, ship's cook. Capt. Jackson impressed me, July 14, 1702, in Boston Harbour, leaving my ship, the *Union*, without any person on board, and not allowing me even to put out the galley fire. *1 p.*

768. v. Copy of Deposition of William Best. When I came on board the *Union* (*see preceding*), she was on fire as the result. *1 p.*

768. vi. Copy of Deposition of Woodward Tay, Boston, July 14, 1702. Capt. Jackson impressed me off the pink *Elizabeth*, leaving nobody on board. *3 p.*

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768. vii. Copy of Deposition of William Rowland, Boston, July 16, 1702. Capt. Jackson impressed me off the *Godspeed*, when I had more than 20 horses and a great quantity of sheep to look after, with only one boy, and we were unmoored, just ready to sail. 1 p.

768. viii. Copy of Deposition of Christopher Bridge, cler., Samuel Lillie, mercht., and Joachim Addis, gentleman, of Boston. *Corroborate Capt. Povey's account above.* 3 pp.

768. ix. Copy of Deposition of Jonathan Pitcher, one of the Garrison of Castle Island. On July 14, 1702, I carried a letter from the Lt.-Governor to Capt. Robert Jackson on Governor's Island, who after reading it, turned and struck deponent twice with his cane, saying that was to teach me good manners, and bade me acquaint my Master with it. 1 p.

768. x. Copy of Deposition of William White and Jabez Dunkin, in corroboration of preceding.  $\frac{3}{4}$  p.

768. xi. Copy of Letter from Capt. Jackson to Lt.-Governor Povey. July 14, 1702. I am very obedient to your power, but must remind you that the Queen's ship is under my command, and the whole power in me invested. How far you take that power I am willing to allow, but desire you would send your power, or by what authority you unman'd my ship, without reason, since I am accountable for her well or ill-doing. I do assure you I will not sail till your permission, nor dispute authority, but beg you will call your Council for further advice. Summon me and I will willingly appear. *Signed, Rt. Jackson.* 1 p.

768. xii. Deposition of Nathaniel Holmes, Lieutenant of H.M. Castle. On July 14 Capt. Povey ordered me to fire a shot to stop H.M.S. *Swift* bound out. The ship came to an anchor and his Honour sent me on board to demand of Capt. Jackson those men which he had imprest without order, or that himself come to him. When I came near, he catcht up a musquet, cockt it and presented it at me and swore, "God damn my blood if I do not shoot you through the head!" He said, "Go tell the Governor that I don't value him nor his order, and that I am as good a man as he, every day I rise." I returned, and then the Rev. Mr. Bridge went on board, and Capt. Jackson consented to deliver the men if the Lieut.-Governor would send a written order, which was done. But before it was delivered, Capt. Jackson hastened on shore to Governor's Island (see No. ix.). Describes his firing on the *Swift*, after vainly calling upon Capt. Jackson to stop. July 18, 1702.  $2\frac{1}{2}$  pp.

768. xiii. Copy of Deposition of Joseph Chapin, one of the Garrison of Castle Island, in corroboration of preceding. July 18, 1702.  $\frac{1}{2}$  p.

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768. xiv. Copy of Deposition of Joseph Merefield and Jabez Dunkin, of the Garrison of Castle Island, in corroboration of first part of *No. xii.* Boston, July 18, 1702. 1 *p.*

768. xv. Copy of Deposition of John Arnold and John Roberts as to the firing upon the *Swift* after she refused to come to. Boston, July 18, 1702. 1 *p.*

768. xvi. Copy of Deposition of William Thwing, Nath. Vialls, Thomas Hals, Masters of Ships, of Boston, as to the firing upon the *Swift*, after warning. July 15, 1702. 1 $\frac{1}{2}$  *pp.*

768. xvii. Copy of Deposition of Nathaniel Viall and William Thwing after the firing of the second gun from the Castle, the Boatswain of the *Swift* called out, "I wish we had the Royal William along your sconce side, we would beat it down about your ears," etc.  $\frac{1}{2}$  *p.*

768. xviii. Copy of Deposition of Samuel Sewall and Andrew Belcher, Members of Council of the Massachusetts Bay. On July 14, Capt. Jackson attending, the Lieut.-Governor recapitulated the accident on board his ship. Jackson said, "You are the murderer." The Lt.-Governor affirming that they had refused to receive a written order of his, Jackson swore profanely and said it was a lie. Mr. Justice Dummer offering to put in a word, Jackson threatened to break his head (having a staff in his hand to assist his wooden leg). Capt. Townsend, one of the Council, offering to speak, Capt. Jackson said he would kick his shins. His behaviour was the most insolent and wild that we remember to have observed in any man. July 18, 1702. 1 *p.*

768. xix. Copy of Deposition of Edward Storey, late Mate of H.M.S. *Gosport*, in corroboration of *No. iii.* and of the firing upon the *Swift*. After the third shot, Deponent left the helm and let go the anchor, "which he did without any order." 2 *pp.* *The whole endorsed*, Recd. Read Sept. 22, 1702. [C.O. 5, 862. Nos. 121, 121.i.-xix.; and (without enclosures) 5, 910. pp. 260-265.]

July 20.

**769.** Minutes of Council in Assembly of New Hampshire. Petition of John Jackson, Robert Almery, and Joseph Jackson read, and ordered that the fees having been settled many years past, that the same continue to be collected and received as usual.

Petition of Shadrach Walton read. Ordered that the sum due to him as Captain of the Fort, Sept. 23, 1698—Aug. 23, 1699, be paid.

Petition of Mary Foulsham read, relating to her being released out of prison, being in for debt and a very poor woman. Ordered that the Secretary write to the creditor who keeps the petitioner in gaol, that if he does not take care to find out the petitioner's estate, whereby he may satisfy his debt by levying execution thereupon in 20 days time at furthest, he shall allow her 2s. 6d.

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per week for every week afterwards that she shall be kept in gaol at his suit, or otherwise the petitioner to be discharged.

July 21. Addresses to H.M. and Governor Dudley signed.

Acts about powder, and for a levy of 500*l.* read three times, passed both Houses and were consented to by H.E.

Petition of Joseph Palmer, for a rehearing of his cause *v.* one Redman, read. Ordered that a copy be given to Redman to show cause why Palmer shall not have a rehearing.

John Gerrish was sworn a Councillor.

Vote sent up from the Representatives that an Act be passed that a tax be raised on all sorts of goods and merchandize, and all manner of lumber, that shall be exported or imported, to continue till the last of July, 1703. Joint Committee appointed to draw up a Bill accordingly.

Vote sent up that an Act be passed that the Treasurer take only 6*d.* in the pound for receiving and paying out public money payable to him. The Council consider that for receiving the 500*l.* tax made this Session, and for what shall be received upon the Act of impost and tunnage for this year, he take no more than 9*d.* in the pound. The Representatives concurred.

Dr. Richard Mills, a poor, sick and decrepitated person, craved leave to sue *in forma pauperis* for 100*l.* left by him two years ago in the hands of Elizabeth Redford, widow. Granted, and orders given accordingly.

Bill for impost and tunnage read three times and passed both Houses and received H.E.'s consent. [C.O. 5, 789. pp. 307-316.]

July 22.  
Kiquotan.

**770.** W. Robertson, Clerk of the Council of Virginia, to the Council of Trade and Plantations. H.E. our Governor having come thus far with a design to have finished his letters to your Lordships, it pleased God to afflict him with a severe fit of sickness. He commands me to enclose two lists of papers whch. he now intends to send your Lordships by H.E. Governor Blakiston, who is daily expected here to sail out with the fleet. Thanks be to God, this country continues in peace, and hath hitherto been very healthy, but the excessive rains and sultry heat which have continued for these many days give great cause to fear a sickly season. *Signed*, Wil. Robertson. *Endorsed*, Recd. 24th, Read Sept. 29, 1702. 2 pp. *Enclosed*,

770. i. List of Papers referred to above. 1½ pp. [C.O. 5, 1312. Nos. 39, 39.i.; and (without enclosure) 5, 1360. pp. 228, 229.]

July 22.

**771.** Journal of Council of Trade and Plantations. Letter from Col. Blakiston, March 24, with enclosures, read.

Letters from Col. Nicholson, Feb. 25 and March 21, read, and enclosures laid before the Board.

Letters from Mr. Larkin, Dec. 22 and 30, read.

Letter from Mr. Larkin, April 16, read. Copy of Memorial of Capt. Bertie enclosed ordered to be sent to Mr. Sansom.

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Letter from Mr. Larkin, May 11, read, and upon consideration of the paragraphs relating to Churchill, Representation to H.M. ordered. [C.O. 391, 15. pp. 142-145; and 391, 96. No. 127.]

July 22.

**772.** Minutes of Council of New Hampshire. *Present as July 13.* Ordered that a warrant be directed to the Captain of the Fort William and Mary, that he suffer no ships to pass by without producing a particular clearing besides their former clearings from the Treasurer or Receiver of all rates and duties upon lumber, and goods imported and exported.

Ordered that Theodore Atkinson of Newcastle and Capt. Henry Dow of Hampton be Receivers under the Treasurer of all rates, duties, etc., laid upon lumber, goods, etc., by the Act of July 17, 1702.

27*l.* paid for the Agent's passage and provision for England.

77*l.* 8*s.* 6*d.* paid on account of the Reception of H.E.

Account of the Secretary, Charles Story, amounting to 76*l.* 10*s.* 6*d.* paid, saving 10*l.* for engrossing the Laws, which was referred to the Assembly.

12 pieces of eight allowed to Richard Jose, High Sheriff, for his attendance upon H.E. and Council twelve days.

H.E. acquainted the Council that the Lt.-Gov., who attended him at Boston at his arrival, did by his desire and advice present Capt. Hern, of H.M.S. *Centurion*, with 20*l.* in the name of this Province, as an acknowledgment of his respect to H.E. in his passage from England. Ordered that it be repaid him, and that the next Assembly be acquainted therewith.

The Governor declared in Council that the watches and wards in all out towns begin on Monday morning next, and that the Garrisons in said several towns under the hands of the Governor or Lt.-Governor's order be sufficiently repaired.

Ordered that whereas Officers are appointed at Newcastle and Hampton for the receiving of several duties mentioned in the Act for impost, etc., the Secretary send breifs of the Act to them and to the Collector of H.M. Customs, and that the Collector acquaint all persons belonging to any ship that shall come to be cleared at his office, to go to such officer appointed to receive the duties aforesaid, to be there cleared likewise.

George Jeffrey took the oaths, etc., appointed as a Member of Council. [C.O. 5, 789. pp. 105-107.]

July 23.  
Hampton  
Court.

**773.** Order of Queen in Council, Approving and confirming Act of Antigua, 1701, concerning Alexander Crawford, and ordering the annexed deed to be registered with the Law in Antegoa. *Signed*, John Povey. *Endorsed*, Reed. 9th, Read Sept. 10, 1702. 2 pp. [C.O. 152, 5. No. 5; and 153, 8. pp. 78-80.]

July 23.  
Hampton  
Court

**774.** Order of Queen in Council. Approving and confirming Acts of Antigua, 1701, concerning Henry Pearn and John Fry. *Signed*, John Povey. *Endorsed*, Reed. 9th, Read Sept. 10, 1702. 2 pp. [C.O. 152, 5. No. 4; and 153, 8. pp. 76-78.]

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July 23.  
Whitehall.

**775.** William Popple, jr., to John Sansom. Enclosing copy of Capt. Bertie's information against Mr. Cox, Commissioner of the Customs at Barbadoes. The Council of Trade and Plantations desire to know what the Commissioners of Customs, if they have had the like intelligence, think fit to do thereupon. [C.O. 29, 8. pp. 116, 117.]

July 23.  
Hampton  
Court.

**776.** Order of Queen in Council. Appointing Emmanuel Moreton to the Council of Jamaica. The Rt. Hon. the Earl of Nottingham to prepare a warrant for H.M. signature accordingly. *Signed*, John Povey. *Endorsed*, Recd. 9th, Read Sept. 10, 1702. 1 p. [C.O. 137, 5. No. 74; and 138, 10. p. 355.]

July 23.  
Hampton  
Court.

**777.** Order of Queen in Council. Approving of Edward Birch to be Governor of the Bahama Islands. The Council of Trade and Plantations are to take care that good and sufficient security in 2,000*l.* be given by him as proposed, July 16. *Signed*, John Povey. *Endorsed*, Recd. Read July 31, 1702. 1*1*/<sub>4</sub> pp. [C.O. 5, 1261. No. 136; and 5, 1290. pp. 147-149.]

July 23.

**778.** Sir John Cooke to the Council of Trade and Plantations. Reply to Queries of July 14, No. 751.i. (1) Ships trading contrary to the Act of Navigation (12 Car. II. c. 18) are to be prosecuted, and the penalties arising to be recovered in any Court of Record. The words of the Act are general, without a particular mention of England or of the Plantations, and include the Admiralty Courts of both places, they being the King's Courts, and consequently Courts of Record. Ships trading contrary to the Act for Encouragement of Trade (15 Car. II. c. 7) are to be prosecuted and penalties recovered in any of H.M. Courts in the Plantations, or in any Court of Record in England, and it is certain that the Admiralty Court is the King's Court, and was so allowed to be by all the Judges under their hands, 1632. In the 11th Paragraph of the Statute for preventing planting tobacco in England, and for regulating the Plantation Trade (22 and 23 Car. II. c. 26) it is said that upon unlawful importations to or exportations from the Plantations, one moiety of the ships and their ladings shall go to the King, the other to him that shall seize and sue for the same, in any of the said Plantations, in the Court of the High Admiral of England, or of any of his Vice-Admirals or in any Court of Record in England, by wh. the jurisdiction of the High Court of Admiralty in England is plainly founded, as is likewise that of the Admiralty Courts in the Plantations, which in respect to the Admiralty of England are Vice-Admiralty Courts; and it is observable that both the Admiralty Courts are mentioned before the Common Law Courts as being principally intended by the Makers of that Statute for such proceedings, and it is further evident by the same Clause, and the two which follow, that the Admiralty Jurisdiction is not so confined, but that it may hold cognizance of and determine the offences, though the goods are unladed and seized on land. The three Statutes above mentioned are recited in the preamble

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of the last Act relating to the Plantation Trade (7 and 8 William III.), and that Act does sufficiently establish the Admiralty Jurisdiction in offences against the Acts of Trade, in as ample manner and in the same words as it doth the jurisdiction of the Courts at Westminster Hall ; and if it be objected that it is there only said that the proceedings for the penalties and forfeitures arising from the offences, and not for the offences themselves, shall be had in the Courts of Admiralty, it may be answered that the Courts of Westminster have no more or other jurisdictions, for they are mentioned in the same manner as the Admiralty Courts and not otherwise. However, the offence and the penalty is all one cause and of the same cognizance, and are determined all at once ; for to suppose otherwise were to make one Court put in execution the decree and sentence of another, which were absurd and impracticable.

Against the jurisdiction of the Admiralty Courts in the Plantations thus deduced and asserted, there is a seeming objection from a clause, p. 505 of 7 and 8 Gul. III., where it declared that upon all suits brought in the Plantations on offences against the several Acts relating to the Plantation Trade by reason of any unlawful importations or exportations, there shall not be any jury, but of natives of England, Ireland or the Plantations, from whence it may be argued, because Admiralty Courts use no juries, they are not proper Courts to try such matters in. To which it may be answered that this clause does not in the least take away the jurisdiction, which not only the same Act, but several former Acts of Trade have given to the Admiralty Courts in the Plantations, in cases of unlawful importations and exportations ; for the directing the nature and manner of proceeding in one Court, when two have the cognizance of the same matters, can in no construction take away the power of the other, but from that clause this conclusion may be truly and fairly drawn, that none of the Common Law Courts in the Plantations should proceed in such cases but where proper jurymen may be had, so that natives of any other places but England and Ireland and the Plantations, or natives even of those places who are any way interested, or who are on any other account not legally qualified, cannot serve on juries, and consequently no such trials can be had in those Courts in the Plantations, where proper jurymen cannot be had ; and in such cases the Admiralty Court, as it is always a proper Court, will be then the only Court to proceed in and determine breaches of the Acts of Trade. *Signed, J. Cooke. Endorsed, Reed. Read Aug. 10, 1702. 2½ pp. [C.O. 5, 1261. No. 137; and 5, 1290. pp. 151-156.]*

July 23. **779.** Memorandum of above.  $\frac{1}{4}$  p. [C.O. 323, 3. No. 136.]

July 23. **780.** Governor Dudley to the Council of Trade and  
Portsmouth, in Plantations. The last letters and accounts I humbly addressed  
the Province of New Hampshire, your Lordships with were from Boston referring to that Province,  
since which I have been in this Province about ten days, where I

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was received by the Lieut.-Governor, Council and Militia, etc., with all possible respect, and next day published my Commission, took and administered the oaths to the Council, and three days after, the Assembly met upon an adjournment, and sat only five days, in which time they have with all duty and respect to H.M. Government passed three Bills and no more; two are grants of money to H.M., one a land-tax of 500*l.*, the other of a duty of impost and upon exportation of timber, boards and staves, which duly collected will amount to a much greater sum, and I am bound humbly to represent that considering the smallness of this Province, consisting only of five Towns, they have showed their readiness and obedience to H.M. commands, and their own necessary support in settling all the said duties double to what they have been at any time, and though it be but for one year, because it is absolutely new, I have no doubt but by a just management of this in the several offices to encourage and bring forward a longer settlement of that Act, when themselves shall see the benefit thereof, and the ease to the Planters. They have prayed that half the land-tax may be allowed to the Governor, but in their first vote for that Act presented it all or any part to me, but I was not willing at this time of great expense in their preparation to defend themselves against the French and Indians to accept more than 250*l.*, not half of my necessary disbursements in order to the service here, which I humbly pray you will obtain of H.M. may be allowed me, and I believe this Province will readily do their duty to their ability for the future to such as shall be in command here. The third Act above mentioned is the settlement of the powder duty for the support of the Fort William and Mary at the entrance of Piscataqua River. *Refers to enclosures.* Names Richard Waldron and Major Joseph Smith for vacancies in the Council. The Province has so few people in it that I cannot write any others at this time, and truly through great age and poverty some of the present Council are unfit to attend, particularly Mr. Fryer, above fourscore and utterly uncapable. The Lieut.-Governor, Col. Partridge, has shewed me your letters of Dec. 22, 1701, commanding a complete collection of the Laws of this Province to be laid before your Lordships, which he has carefully drawn out of the several books, and put them into the best order and writing that we can obtain here, and they are now sent, under the Seal of the Province, etc. In answer to your letter of March 16, 170*1*<sup>2</sup>, there is here no Admiralty Court in being, and being distant from Boston I can give no answer to the question, but that I presume Mr. Atwood's Commission is upon record in your own Office and also the Commission of Mr. Larkin. As soon as I return and can consider the directions of the Commission brought hither by Mr. Larkin, I shall do my duty therein, and take care that the Courts of Admiralty shall have their just power and effect.

In obedience to H.M. Instructions referring to the preservation of great timber, fit for the Navy, the General Assembly have represented to me that the dimensions set by his late Majesty

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for masts of 24 inches diameter, without any directions for length, will not serve that occasion, but take away most of the timber fit only for deals and planks, and therefore have humbly prayed that the dimensions may be altered to 32 inches and upwards and of proper lengths fit for masts, and that they shall then proceed in all humble duty to enact a Law with severe penalties to inhibit all waste, which might have been done at this time, but that I was not willing to allow any alteration in dimensions without your Lordships' further order. I enclose their Address in this affair, and pray your commands therein, and have in the meantime caused the Surveyor and his Deputies in the timber affair to attend me, and have given them strict orders to pursue their Instructions already received without any alteration. There is no other Fortification in this Province but Fort William and Mary at Newcastle, where are 31 guns mounted, half of them demi-culverin, but the fortification is by no means regular, nor sufficient, the carriages and platforms unserviceable. I hope to see the carriages and platforms amended, but the alteration of the works will ask time and more money than can be had of this little poor Province. However, I hope I shall lead them as far and as fast as they are capable. I am intended to leave this Province to-morrow, to go Eastward as far as Pemaqu[*id*], in which coasting voyage I hope to meet the Indians, if possible, to save them from the influence of the French, and to keep them quiet. And to see if after my own view of Pemaquid, the Assembly of the Massachusetts will be brought to rebuild that important fortification, and notwithstanding their great aversion to it, I would hope to put them upon that charge, if I might obtain H.M. favour for 200 men for the support of Pemaquid, and the coast to this place, which your Lordships were pleased to represent as needful, and I continue humbly to pray that you will lay before H.M. the necessity of those men to be sent hither accordingly, there being not less than 400 men in garrison at Port Royal and more expected, which will be capable to insult our poor settlements all along the coast of the Province of Mayn adjoining to the French, as far as this place, but would be all covered, and in great measure secured, by a good garrison at Pemaquid. I humbly pray your Lordships will favour these Governments with obtaining for us the canon and stores, which you these two years thought fit to be sent hither. I have received H.M. Declaration of War, *etc.*, and since that I have encouraged and set out four vessels to annoy the French, two of them of good force, and shall give them all due encouragement, and hope for a public service and benefit by them. *Signed*, J. Dudley. *Endorsed*, Recd. Oct. 26. Read Nov. 11, 1702. 4 pp. Enclosed,

780. i. Abstract of preceding. 2½ pp.

780. ii. Address of the Governor, Council and Assembly of New Hampshire to Governor Dudley. Praying that the dimensions fixed for trees for Masts for the Navy may be altered; *as above*. If that shall find acceptance with H.M., we declare that with all readiness and

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obedience we shall proceed to enact such a Law, etc. *Signed*, Wm. Partridge, John Pirkevin [? *Pickerin(g)*], Samuel Keais, John Woodman, Theophilus Dudley, Moses Leavitt, Theodore Atkinson, Wm. Cotton, James Davis, James Rendle, Nathl. Hill, John Tucke [? *Tuttle*], Joseph Swett, Francis Page, Robt. Elliot, John Plaisted, Saml. Penhallow, Henry Dow, John Hinckes, Nath. Fryer, Peter Coffin, John Gerrish, Cha. Story, Secretary. *Endorsed*, Reed. Oct. 26, 1702. 1 p.

780. iii. List of the Judges and Justices of New Hampshire. *Endorsed as preceding.* 1 p.

780. iv. List of Military Officers of New Hampshire. *Same endorsement.* 1½ pp.

780. v. Memorandum of a Collection of the Laws of New Hampshire. ¼ p. [C.O. 5, 862. Nos. 122, 122.i.-v.; and (without enclosures) 5, 910. pp. 273-283.]

July 24. 781. Journal of Council of Trade and Plantations. Letter from Mr. Addington, May 2, with enclosures, read.

Letter from Col. Beckford, Aug. 25, read, and enclosures laid before the Board. Ordered that that part which relates to the Commissions for trials of pirates be taken into consideration when a new Governor of Jamaica be constituted.

Letter from Col. Beckford, May 1, with enclosed Act, read. [C.O. 391, 15. pp. 145-147; and 391, 96. No. 128.]

July 24. 782. Col. Quary to the Council of Trade and Plantations. Plymouth. I have been detained by contrary winds much longer than I expected. The last post brought me some letters from Pensilvania, from which your Lordships may see that Mr. Penn when he gave these large grants to his friends in general and to his favorite in particular did not expect to continue the Government of Pensilvania, much less the Lower Counties till this time. These Patents and Grants were passed but three or four days before he left Pensilvania, his whole design being this, that since he saw he could not hold the Government himself any longer, he was resolved to clogg it, so that those who succeeded should be slighted by the People, and rendered incapable of serving the Crowne. The Heads of the Charter, which he has given to the People of Philadelphia, are so ample and large, that had he expected to have continued the Government, he would sooner have parted with one of his limbs, as may appear by this:—The inhabitants of that place have been these 15 years soliciting for this very thing, and have proposed, as they thought, equivalent for it, but could not prevail with Mr. Penn, who very well knew that it was too great a power to give the people, and would make them independent and have but little regard for him, but as soon as ever he heard he was to lose the Government, without any application of the people, he gives them all those great privileges, many of which he very well knows are **not** in his power to grant, however it will serve to perplex the

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Government when he is gone. The people are not only given power to choose them magistrates and officers, but in case they are not for their turne, may turn them out again. Although the bounds of Pensilvania reaches but very little to the Southwards of Philadelphia, yet Mr. Penn is pleased to extend the bounds of that Corporation to the Capes of the Bay, without any regard to the Three Lower Counties, where he very well knows he hath no colour or pretence of Government: he might as well have extended it to the Capes of Virginia. Mr. Penn was resolved to set no limits to his boundless grants not only to Philadelphia, but to all the other parts of his Province, and to the Lower Counties, and that he may have some pretence for enlarging of his favours so far, he is forced to pretend a power of full Government in his deeds of feoffment for the Duke of York, when he very well knows there is no such thing. He pretends he grants this Charter at the request of the General Assembly, whereas the greater part withdrew and refused it as holding many clauses in it to be destructive of Government, as tending to the establishment of Deism by a Law, and making room for Papists to be in all offices in the Government. It is very well known from whence he had his president (*precedent*). No Governor or Officer whatsoever by his Charter is under the tie or obligation of any oath or affirmation according to Law, but only a bare promise, nor can any officer be turned out or any change or alteration made in this his unreasonable Charter but by six parts in seven in the Assembly, tho' but 11 or 12 persons passed the Charter in Assembly; so that by this means he hath laid the foundation of confusion and destruction, if not rebellion in the Government, whenever it comes into H.M. hands. The people have power to choose their own Sheriffs and Clerks, and just as Mr. Penn thought that he was going to loose the Government, he took effectual care that those who came after him should be fettered, for the Governor shall not have power to licence any to keep publique houses or ordinaries, though he and his Lieut.-Governor always did it and received the profit of it, but for the future he hath taken care that the Governor commissioned by H.M. shall be starved, if he can. Your Lordships will see by the enclosed (No. iii.) that Mr. Penn Governor does continue still by force to detain from H.M. Commissioners the dedimus under the Great Seal for administering the oaths to the Governors according to Law, for the remedy of which evil I hope your Lordships will take some proper and speedy course. The next thing remarkable is that this country does complain of their naked and defenceless condition in this time of war. Mr. Penn hath by a grant given away a parcel of land belonging to our Church. It was formerly settled on the Swedick Church for about 40 years ago, but it signifies nothing to Mr. Penn, who hath given it away to a Quaker without so much as giving us a hearing or trial, though he often and solemnly promised one, but promises of this nature are of little weight with him. As to the grant to his great friend and favorite, Samuel Carpenter:— The Governor of Virginia and H.M. Officers of Customs for that

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Province and Maryland have often represented that it would be very much for H.M. service and the ease and advantage of Trade to have convenient places in each river appointed for the lodging and unloading of all ships. The accompt of the tobacco landed in England would then answer the accompt of what was shipped here; whereas now the ships are so disperst, it is impossible for the officers to attend the tenth part of them, or prevent the importation of illegal trade. The reason that I apprehended why this great evil was not remedied was that all concluded it could not be done without an Act of Parliament in England or an Act of Assembly past in the country, but now, it seems, Mr. Penn pretends to a greater power than H.M., for he hath done it by his authority, and, which is far more, hath laid a tax on trade, and by his absolute power hath granted his patent for levying money on H.M. subjects without any Act of Assembly. I purpose to send attested copies of all these grants, as soon as I arrive in Pensilvania, but am afraid that I shall not be able to procure them without some order, which I hope your Lordships will send, and also an order for the delivery of the Deditus to the Commissioners. *Signed,* Robt. Quary. *Endorsed,* Recd. Aug. 12, Read Sept. 3, 1702.

4 pp. *Enclosed,*

782. i. Abstract of preceding. 2 pp.

782. ii. Heads of a Charter granted by William Penn to the Town of Philadelphia. Privilege to make wharfs as far out as the Mayor shall see fit. Mayor, etc., a body Corporate and Politic; with power to purchase, sell, use a common seal, hear treason, etc.; determine petty larcenies, riots, etc., remove nuisances, and hold a Court quarterly or oftener. Fines to belong to the Corporation without being accountable. Mayor, Recorder and Aldermen to be Justices of the County, and to meet yearly in the 8th mo. to choose a new Mayor and add to the Aldermen. Power to erect a prison, Court House, and to appoint a Clark of the Market. Privilege of the Statute of Merchants. Coroner to belong to both City and County and to reside in the City. Sheriff to be Water-bayliffe to the Capes. People to recommend and choose Coroner and Sheriff. Power to establish Laws, not repugnant to those of England and this Government, and to admit freemen. Power to alter, revoke, etc., at pleasure, and remit fines; to keep two markets a week and two fairs, as already. Landing places at Blew Anchor and Penny Pott House to belong to the City. The City made a Port for vessels to extend into all parts of the Province. The Charter in all its parts to be construed most favourable to the People. *Endorsed as letter.*

1 $\frac{1}{2}$  pp.

782. iii. Mr. Yeates to Col. Quary. Upland, Jan. 10, 1701 (1702). *Criticises Penn's Charter as above. Proceeds to refer to "the Governor's request to the Commissioners mentioned in a dedimus to qualify him. When we*

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appeared the dedimus was produced, and we required to administer the oath. We answered we were strangers to the powers mentioned in that Commission by reason for many years past it had been kept secret from us, whereby the end of it was frustrated, yet if they would please to deliver it to us, we should see our power and consider to answer the design of it, but it was the opinion of the Governor and Council that it ought to be lodged with them, notwithstanding that we often urged that that was to evade the intent of it, as in the late Government, and they thinking the Council had power to qualify the Governor, we concerned ourselves no further, but left it with them. We are dayly awakened here with fresh news about the war, which puts many of us into great consternation, considering the nakedness of our country, and the improvements we have made. So far as we have formerly toucht on this head, I now earnestly recommend to your remembrance. Since Mr. Penn went off, I am informed that at his going he confirmed the Green at Upland to David Loyd without hearing anything on the Churches part, as he so often promised. *Refers* to return of the warrant of survey by Robt. Longshaw, and a copy of the Sweeds' power to Laurence Cock and James Sandelands, and Swan Swanson, to get it patented, whereby they set it forth that they had right to that land above 40 years before Mr. Loyd pretends he bought it of the Sweeds Congregation and it was made over by the Church Wardens, but those near this place where the land lay never consented, and if they had (never being incorporated) could not make over land. We have now a Minister preaches here authorized by the Bishop of London, and since the Sweeds make not use of that land, we think we have right to it, it being given for that use. I hope you recommended our necessity to Gov. Nicholson in carrying on the Church here. *Signed*, Jas. Yeates. *Endorsed*, Reed. Aug. 12, 1702.  $2\frac{3}{4}$  pp.

782. iv. Copy of William Penn's Grant to Samuel Carpenter, Mercht., for making his wharfs in Delaware River ports to load and unload vessels. *Signed*, Wm. Penn. *Endorsed as preceding*. 2 pp.

782. v. Governor Blakiston to [? John Moore]. Maryland, Dec. 2, 1701. Enquiring, upon the letter of the Council of Trade and Plantations, into miscarriages of Government in Pennsylvania and the Jerseys. *Signed*, N. Blakiston. *Copy*. 1 p.

782. vi. J[? ohn] M[oore?] to Governor Blakiston. Philadelphia, April 21, 1702. Things have been here at a full stop expecting the issue at home. We hear the [Proprietors of the] Jerseys have surrendered their Government to the King, whch. will be a leading case to the rest. New York

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continues still in confusion, the English scatter'd and waiting my Lord Cornbury's arrival. Mr. Vesey, the Minister, is now in Jersey. Major Wenthorp [? *Winthrop*], Governor of Connecticut, and Col. Hamilton have interposed their advice like honest gentlemen, but reason will not be hearken'd to. Col. Byard is reprieved at last. No action yet in the Indies. 'Tis said that the Spaniard refused the French convoy, and have taken their plate ashore and laid up there ships for this year. *Signed*, J.M.  $\frac{3}{4}$  p. [C.O. 5, 1261. Nos. 139, 139.i.-vi.; and (without enclosures) 5, 1290. pp. 202-212.]

July 25. **783.** Earl of Nottingham to the Council of Trade and Plantations. The Queen having been pleased to appoint the Rt. Hon. Edward, Lord Cornbury to be Governor of New Jersey, you are to prepare his Commission and Instructions with such powers as you shall think necessary. *Signed*, Nottingham. *P.S.*—The Queen having ordered my Lord Cornbury's Commission for the Government of New York with his Instructions to be renewed, I am commanded to desire your Lops. to consider whether any alterations are necessary, and if there be, to propose them. *Endorsed*, Recd. 26th, Read July 27, 1702.  $1\frac{1}{8}$  pp. [C.O. 5, 970. No. 3; and 5, 994.A. p. 21.]

July 27. **784.** Mr. Sansom to William Popple. I have laid your letter Custom House, of the 23rd inst. before the Commissioners of Customs, who had before heard nothing thereof. They refer the matter of Capt. Bertie's complaint [*against Mr. Cox at Barbados*] to the examination of Mr. Sharp, the other Commissioner under them in Barbados, and also to Mr. Mein, who is at present in that Island, and was formerly employed there and in other of the Plantations under the character of a Surveyor General of Customs, being a person of ingenuity and experience. *Signed*, Jno. Sansom. *Endorsed*, Recd. 28th, Read July 30, 1702.  $\frac{3}{4}$  p. *Addressed*. [C.O. 28, 6. No. 71; and 29, 8. pp. 121, 122.]

July 27. **785.** Journal of Council of Trade and Plantations. Letter Whitehall. to Dr. Newton ordered.

Letter from Lord Nottingham, July 25, read.

Order of Council, July 9, concerning some Acts of Barbados, read.

Abstract of some letters from New York, received from Mr. Lodwick, laid before the Board.

July 28. Mr. Archibald Hutcheson attending with Mr. Johnson, and acquainting the Board that Mr. Johnson is in possession of an estate worth 200*l.*, and therefore might be accepted as one of the sureties of his father, Sir Nathaniel; and Mr. Johnson offering Mr. Thomas Cary, a Carolina merchant, for the other, they were acquainted that the security ought to be lodged in the Treasury, and that as soon as the form of the Bond was agreed, they should have notice of it. [C.O. 391, 15. pp. 147-150; and 391, 96. Nos. 130, 131.]

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July 28. **786.** William Popple, jr., to Dr. Newton. The Council of Trade and Plantations desire you to inform them whether Churchill have pleaded the General Newgate pardon, in which his name was inserted, since that time, according to the bail given by him July, 1701. [C.O. 5, 1290. pp. 143, 144.]

[July 28.] **787.** Governor Codrington to several Members of Council and Assembly of Antigua, May 1, 1702. Asks for the general sentiments of the people of his conduct and Mr. Herbert's case, and whether they had ever heard of a treaty between him and Mr. Herbert for the two Plantations he had recovered. *Signed*, Chr. Codrington. *Endorsed*, Reed. from Mr. Cary, Recd. 28th, Read July 30, 1702. 1 p. *Annexed*,

787. i. Replies from the above, to the effect that they had never heard anything of the kind. Antigua, May 6, 1702. *Signed severally*, Jno. Hamilton, Henry Pearne, Jno. Perrie, Speaker, Peter Lee, Chief Justice. 2½ pp. [C.O. 152, 4. Nos. 106, 106.i.]

[July 28.] **788.** Extract from Minutes of Council of Antigua. St. John's, May 6. Governor Codrington swore before the Council that he was so far from having made any bargain with Thomas Herbert for the two Plantations he had lately recovered in Nevis of Mr. Mead that he never had the least thought concerning it. He never received, nor ever was promised any bribe. He was so very cautious on this head, that Mr. Herbert designing to make a great entertainment for him when last at Nevis, he desired to be excused. *Signed*, Sworn in the presence of Edward Byam, Hen. Pearne, Wm. Thomas, James Thynne, Will. Codrington, Councillors, and Geo. Larkin, Not. Publ. *Endorsed as preceding*. 1 p. [C.O. 152, 4. No. 107.]

[July 28.] **789.** Deposition of Col. Hamilton, Antigua, April 29, 1702, setting forth that he never heard any report of a treaty between Col. Codrington and Mr. Herbert. *Signed*, W. Hamilton. *Endorsed as preceding*. 1 p. [C.O. 152, 4. No. 108.]

July 28.  
Jamaica.

**790.** Lt.-Governor Beckford to the Council of Trade and Plantations. Since mine to your Lordps. of the 20th instant I am honoured with your Lordps.' of May 8, directed to the late Major-General Mr. Selwyn, forwarded with the several other pacquets by the President of Barbadoes, which came to my hands yesterday. A vessell sailing for New York to-day, I took the opportunity of forwarding the severall dispatches for that and the adjacent Colonies to my Lord Cornbury, and by reason of the setled posts in those parts, my Lord will meet with very little trouble in the forwarding of them. The other pacquets for Bermuda, Carolina, and the Bahama Islands shall be sent away by the first conveyance. I am to meet the Assembly the 6th of next month, and am sorry that I have no larger a power, or longer a time to lay before them what your Lordships are pleased to recommend. The last time I met them, they were

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generally in so good a temper, that I should not have question'd the setling of the Revenue by an Act. I am at present under a necessity of convening them for a Provision for the small force we have here, and to endeavour what we can for our security; and I am in hopes to prevail with them to raise a sufficient summe to get the Revenue out of debt, which is all our time will give me leave to push for; and I don't see how we could doe anything, were it not for the Act of the 7 and 8 Willm., and that confirms all powers granted by the late King but for 6 moneths; the time will be out the 8th September.

Yesterday a Spanish Man of War (which was sent from Carthagena to fetch their new Governors from St. Domingue) was brought into Port Royal Harbour, taken by our squadron, which cruises on the South side of Hispaniola. She is mounted with 16 guns (tho' I suppose she was designed for 40) and 120 odd men, such as they are. I think it was very happy for the Spaniards that they met with our ships, or else they must either have foundered or starved at sea; they had no provisions on board, and it was as much as our people could doe to keep her above water. I this day forwarded the pacquets directed for Admiral Benbow, who desired me so to doe when any orders came for him. He is, I believe, now (having alter'd his station) very near Petit Guaves; there are, I understand, several merchant ships, with but one man of war, which he will endeavour to render himselfe master of. Eight small privateers from this place are sailed for the Spanish coast; they will endeavour (having joined together for that purpose) to surprise some place or other. I hope they will meet with good luck. *Signed*, Pe. Beckford. *Endorsed*, Reed. Nov. 13, Read Dec. 1, 1702.  $1\frac{3}{4}$  pp. [C.O. 137, 5. No. 75; and 138, 10. pp. 381-384.]

July 28. **791.** Abstract of preceding. [C.O. 137, 41. pp. 5, 6.]

July 29.  
Colony of  
Connecticut,  
New London.

**792.** Governor Winthrop to the Council of Trade and Plantations. The Proclamation of Her Majesty hath been solemnly attended and performed by us in the most proper parts of H.M. Colony of Connecticut, and as the inhabitants have universally acknowledged H.M., so they are confident of her gracious care, as is mentioned in your Lordships' letter (March 19). In prosecution of the war, we will doe all acts of hostility as we have opportunity. Our distance from Boston, above 100 miles, and the ships being ready to sail, of which I had no account till this day, makes it impossible to lay before your Lordships at this tyme such representations as would conduce to H.M. service and the preservation of this Colony. We hope incessantly for your Lordships' favour. Whatever evil reports are maliciously made against us, we do not deserve them, nor have we in the least suffered any breach of the Acts of Trade and Navigation. Since my return from waiting on H.M. in behalf of this Colony in 1697, the people have continued the Government in my hands, etc. *Signed*, J. Winthrop. *Endorsed*, Reed. Read Dec. 9, 1702. *Holograph*. 2 pp. [C.O. 5, 1262. No. 1; and 5, 1290. pp. 268-271.]

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July 29.  
Virginia, on  
board H.M.S.  
Southampton,  
off of Cape  
Henry.

**793.** Governor Nicholson to the Council of Trade and Plantations. *Refers to Robinson's letter, July 22.* I thank God that I'm pretty well recovered. Two days ago I had an account by two Masters of vessels, who came lately from Philadelphia, that one of H.M. frigates was arrived at Boston with H.M. commands to proclaim war, so I am hourly in hopes of receiving H.M. commands to do the same here: and I shall according to my duty on all occasions venture my life and fortune to serve Her most Sacred Majesty, whome I pray God send long to reign over us and give her intire and perfect victory over all her enemys, but particularly over the French and Spaniards. I design (God willing) that our Assembly shall meet the 12th of the next moneth, according to prorogation; before which time I'm in great hopes of having the honour and happiness of hearing from your Lordships, and receiving your commands concerning what I sent to your Lordships by Col. Quary. I'm sorry that the acct. of the Militia is not more perfect, but the season, and unseasonableness of the year, and the great distance are some of the causes of it. I hope by the meeting of the Assembly I shall have them all returned, but I'm afraid I shall not find them better provided with ammunition, etc., than they were last year, and not much better disciplined: though I have been in several counties and exercised each troop and company myself, and given orders for each troop and company to doe it once a fortnight. And if please God there should be an occasion of my making use of the power which the Assembly hath intrusted me with, for levying forces for defence of the country, I hope that He will be pleased to enable me to do it effectually. I'm in hopes that the Committee for the revising of the Laws, etc. (I have spoken to them about it) will finish that affair before the meeting of the Assembly. I have taken such care that I hope the Capitol will be quite finished by the next spring. And if possible, I design that the October General Court (God willing) shall be held there; except we be disappointed of things sent for to Mr. Micajah Perry for that building. And I am in hopes that the fourteen hundred and odd pounds, which is in Mr Treasurer Carter's hands, will be enough to finish it. I thank God that H.M. Revenues of the Quit-rents, of the 2s. per hhd., etc., doe arise well, but I'm apprehensive that the London merchants will endeavour that no ships shall come hither till next Fall come 12 moneth; if so, then your Lordships know very well there will be no revenue of the 2s. per hhd., and how detrimental it may be to H.M. Revenues in England, your Lordships are the best judges thereof. I own that unless ships and vessels in fleets can get out here before the beginning of June, it's prejudicial to them, therefore I most humbly propose that for the future (if possible) all Fleets, which shall go hence, may doe it at the farthest by the beginning of June or rather the latter end of April or beginning of May, for I'm afraid a great many ships in this Fleet doe suffer by the worm with staying so long, and likewise by the sickness of their men. H.E. Governor Blakiston knows this very

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well, as also the Captains of H.M. men of war and of other ships. Governor Blakiston can give your Lordships an account of our circumstances.

I came hither in order to see the Virginia and Maryland Fleets made up ; and to give all necessary directions and assistance thereto, and for their safe getting out of the Capes. The Fleet will consist of about 150 sail, which I hope in God will all safely arrive at their several ports in England, and pay to H.M. between 3 and 400,000 sterl. Few or no ships or vessels will be left here ; and I hear that not many in Maryland, nor tobacco : and I thank God that there is an appearance of a pretty good crop this year, tho' the great and unusual rains of late have drowned some of the lowlands.

I have had the honour to receive your Lordships' letter of March 19, and proclaimed Her most Sacred Majesty with all the solemnity I think this country was capable of ; and I dare venture to assure your Lordships there was never such an appearance of people together in Virginia before. For my own part according to my duty I neither spared cost nor pains to have it done as I thought I was in duty obliged to doe it. I have received yours of April 13th as to using the Seal, etc. *Signed*, Fr. Nicholson. *P.S.*—I sent your packetts for H.M. Governors by express to Governor Blakiston. *F.N.* *Endorsed*, Recd. 24th, Read Sept. 29, 1702. 3 pp. *Enclosed*,

793. i. Abstract of preceding. 1 $\frac{1}{2}$  pp.

793. ii. List of enclosures. *Endorsed*, Recd. Sept. 24, 1702. 2 pp.

793. iii. Memorandum of Minutes of Council of Virginia, March 11, 12, 1702.  $\frac{1}{4}$  p.

793. iv. Memorandum of Minutes of Council of Virginia, April 2—May 30, 1702.  $\frac{1}{4}$  p.

793. v. Memorandum of Minutes of Council of Virginia, June 19—July 15, 1702.  $\frac{1}{4}$  p.

793. vi. Memorandum of Journal of Council in Assembly of Virginia, May 13—29, 1702.  $\frac{1}{4}$  p.

793. vii. Memorandum of Journal of House of Burgesses of Virginia, May 13—29, 1702.  $\frac{1}{4}$  p.

793. viii. Copies of Acts of Virginia, passed May, 1702, (1) to prevent Masters of ships running away after embargoes are laid, (2) for continuing the sitting of Assemblies in case of the death of H.M. *Endorsed*, Recd. Sept. 24, 1702. 3 pp.

793. ix. Copy of an Ordinance of Assembly for settling the dividing lines between the Counties of Isle of Wight, Surrey, Charles City, and Nanzenmond on the South side of Blackwater Swamp. May, 1702. *Endorsed as preceding*. 1 $\frac{1}{4}$  pp.

793. x. Copy of proceedings of the House of Burgesses of Virginia relating to their Agent. June 23, 24, 1702. *Same endorsement*.  $\frac{3}{4}$  p.

793. xi. Memorandum of Journal of Council in Assembly of Virginia, June 18—25, 1702.  $\frac{1}{4}$  p.

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793. xii. Memorandum of Journal of House of Burgesses of Virginia, June 18-25, 1702.  $\frac{1}{4}$  p.

793. xiii. Copies of the Ordinances of the Assembly of Virginia for levying forces. Sept. 17, 1701-June 25, 1702. *Endorsed*, Recd. Sept. 24, 1702. 3 pp.

793. xiv. Copies of Proclamations by the Governor of Virginia, 1702. *Same endorsement*.  $10\frac{1}{2}$  pp.

793. xv. Duplicate of July 18. No. 767.i.

793. xvi. Duplicate of July 18. No. 767.ii.

793. xvii. Duplicate of July 18. No. 767.iii.

793. xviii. Memorandum of Journal of Committee for inspecting the Capitol, April 4-May 7, 1702.  $\frac{1}{4}$  p.

793. xix. Memorandum of Journal of Committee for revisal of the Laws, April 1-May 9, 1702.  $\frac{1}{4}$  p.

793. xx. Memorandum of Account of Quit-Rents, 1701.  $\frac{1}{4}$  p.

793. xxi. List of Grants of Land in Virginia, made April, 1702. *Endorsed*, Recd. Sept. 24, 1702. 2 pp.

793. xxii. Memorandum of Account of the 2s. per hhd. Nov. 10, 1701-July 10, 1702.  $\frac{1}{4}$  p.

793. xxiii. Order of Council of Virginia for laying the state of the Revenue before the Treasury and Council of Trade. *Endorsed*, Recd. Sept. 24, 1702. 1 p.

793. xxiv. Account of the impositions on servants, liquor and slaves. July 11, 1702. *Same endorsement*. 3 pp.

793. xxv. Copy of E. Jenings' Bond as Secretary of Virginia, June 23, 1702. *Same endorsement*.  $\frac{3}{4}$  p.

793. xxvi. Memorandum of Naval Officers' List of Ships, June 6-July 10, 1702.  $\frac{1}{4}$  p.

793. xxvii. Copy of proceedings of the General Court of Virginia upon Navigation Bonds made to the King, April, 1702. Two cases dismissed, one continued. *Same endorsement*. 1 p.

793. xxviii. Order of Council of Virginia, June 24, 1702, etc., concerning the establishment of the Admiralty. *Same endorsement*. 1 p.

793. xxix. Loyal Address of the Grand Jury of Virginia to the (*late*) King. *Same endorsement*. 1 p.

793. xxx. Similar Address of the Officers, Civil and Military, of Princess Ann County. March 9, 1702.  $\frac{1}{2}$  p.

793. xxxi. Similar Address of the Officers, Civil and Military, of Northampton County. 1 p.

793. xxxii. Similar Address of the Officers, Civil and Military, of Westmorland County. 1 p.

793. xxxiii. Similar Address of the Officers, Civil and Military, of Norfolk County. 1 p.

793. xxxiv. Similar Address of the Rector, Trustees and Governors of the Royal College of William and Mary. 1 p.

793. xxxv. Similar Address of the Officers, Civil and Military, of Stafford County. 1 p.

793. xxxvi. Similar Address of the Officers, Civil and Military, of Accomack County. 1 p.

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793. xxxvii. Similar Address of the Officers, Civil and Military, of Richmond County.

793. xxxviii. Similar Address of the Officers, Civil and Military, of King William County.

793. xxxix. Similar Address of the Officers, Civil and Military, of Essex County.

793. xl. List of above Addresses. *Endorsed*, Recd. Sept. 24, 1702.  $1\frac{1}{2}$  pp.

793. xli. A collection of matters relating to the French Refugees transacted in Council and Assembly, March 12 —June 23, 1702.  $9\frac{1}{4}$  pp.

793. xlii. Abstract of changes in numbers of Militia since Oct., 1701. 2 pp.

793. xlii. Account of arms and ammunition in the hands of Lt.-Col. Wm. Randolph, 1702. 1 p.

793. xliiv. Abstract of the Lists of the fifth men in the Militia in some Counties. *Endorsed*, Recd. Sept. 24, 1702. 1 p.

793. xlv. Abstract of Militia of Counties not sent in Dec. last. (Charles City, New Kent, Surrey and Stafford.) *Totals* :—Officers, 100. Horse, 162. Dragoons, 144. Foot, 622. Swords, 307. Hatchets, 54. Pistols, 60 pr. Carbines, 35. Musquets, 583. *Same endorsement*. 1 p.

793. xlvi. Muster-roll of Troop of Dragoons, Charles City County. 1 p.

793. xlvii. Muster-roll of the Middle Company of Foot in New Kent County. 1 p.

793. xlviii. Muster-roll of the Lower Company of Foot in New Kent County. 1 p.

793. xlix. Muster-roll of Troop in Surrey County. 1 p.

793. li. Muster-roll of Company of Foot in the Lower precinct of Surrey County. 1 p.

793. li. Muster-roll of Foot Company in Surrey County. 1 p.

793. lii. Muster-roll of Foot Company in Surrey County, Dec. 1702. 1 p.

793. liii. Muster-roll of Foot Company in Surrey County. 1 p.

793. liv. Muster-roll of a Foot Company [? Stafford County].  $1\frac{1}{2}$  pp.

793. lv. Muster-roll of a Foot Company [? Stafford Co.].  $1\frac{1}{4}$  pp.

793. lvi. Muster-roll of Dragoons, Stafford County. 1 p.

793. lvii. Muster-roll of a Troop of Horse, Stafford County. 1 p.

793. lviii. Muster-roll of a Foot Company. 1 p.

793. lix. Muster-roll of a Troop of Horse. 1 p.

793. lx. Muster-roll of a Troop of Horse. 1 p. [C.O. 5, 1312. Nos. 40, 40.i.—lx. ; and (without enclosures) 5, 1360. pp. 230—239.]

July 29.

**794.** Earl of Nottingham to the Council of Trade and Plantations. The persons contained in the enclosed List being appointed Members of the Council of New York, I transmit the same to you, that you may cause them to be inserted in the

1702.

Instructions which are preparing for the Lord Viscount Cornbury.  
*Signed, Nottingham. Endorsed, Recd. 3rd, Read Aug. 7, 1702.*  
 1 p. Enclosed,

794. i. List of Persons appointed to be of the Council of New York. Frederick Phillips, Giliaen van Renslaer, William Smith (Q), Thomas Willet, Peter Schuyler (Q.), Gabriel Minviel, Caleb Heathcote, Henry Beeckman, Matthew Clarkman (*no objection*), Samson Shelton Broughton (Q.), William Nicolls, Thomas Noell (*no objection*), Philip French, Jacobus van Cortland (*no objection*). Rip van Dam (Q.), Thomas Wenham, Steven de Lancey. *The following names are added, with queries opposite them, in the same hand as that in which the above comments and queries are made:* Abraham de Peyster, Sam. Staats, R. Walters, Römer, Wm. Lawrence, Gerardus Beekman. 4 pp.

794. ii. Comments on some of the Persons appointed to be of the Council of New York (? by William Popple).

Fred Phillips, in the Earl of Bellomont's time, resigned his place in the Council on account of his age, being 72 years old. He has been an illegal Trader; a ship of his was seized by Sir P. Ricaut at Hamb. for carrying a cargo of East India goods thither, wch. goods had been received from the Pirates at Madagascar.

Wm. Smith: there is strong suspicion of his abetting Pirates, but no proof.

Tho. Willet: an abettor of pirates, and concealor of their effects.

Gab. Minvielle: a Frenchman, an abettor of Pirates.

Wm. Nicolls: He kept correspondence with Pirates, procured protection for them, and had rewards for it. He endeavoured to hinder the settling the Revenue on the King.

Phil. French: An illegal Trader. He raised the Rabble to prevent the Earl of Bellomont's making a seizure of East India goods.

Stev. de Lancey: a hot Frenchman, a trader with the Pirates at Madagascar, and concerned with Shelley who brought 60 pirates from Madagascar.

*Mem.* Mr. Philipps and Mr. Nicolls were turned out of the Council with several others upon examination of the complaints against them by an Order of Council, Oct. 25, 1698. Willet and Minvielle were turned out by the E. of B., wch. was approved here.

The Assembly but 21. The Council in all the Plantations is but 12. 1 p. [C.O. 5, 1047. Nos. 63, 63. i., ii.; and (letter and enclosure i. without notes) 5, 1119. pp. 200, 201.]

July 30.  
 Whitehall.

795. William Popple, jr., to Mr. Sansom. The Council of Trade and Plantations desire you to communicate to them what answer shall be received. [See July 27.] [C.O. 29, 8. p. 123.]

1702.

July 30.  
Doctors  
Commons.

**796.** Dr. Newton, Advocate to the Lord High Admiral, to Mr. Popple. I do not find that Churchill [see July 28] has ever yet pleaded his pardon. *Signed*, Hen. Newton. *Endorsed*, Recd. Read July 31, 1702. *Addressed*, 1 p. [C.O. 5, 1261. No. 138; and 5, 1290. pp. 144, 145.]

July 30.  
Whitehall.

**797.** Journal of Council of Trade and Plantations. Letter from Governor Codrington, June 4, read, and papers received from Mr. Richard Cary laid before the Board.

Letter from Mr. Sansom, July 27, read. Ordered that he be desired to communicate what answer the Commissioners of Customs shall receive from Mr. Sharp and Mr. Mein. Ordered that a copy of Capt. Bertie's complaints be given to Sir Bevill Granville upon his going to Barbados, and that he be desired to examine the same and make his report to the Board.

Order of Council, July 9, approving the Commissions of Governors, read.

July 31.

Form of a bond to be entered into by the Governors of Proprieties, agreed upon, and ordered to be sent to Mr. Attorney General for his opinion.

Letter from Dr. Newton, relating to Churchill, read. Ordered that a Representation be prepared to lay the case before H.M.

Order of Council, July 2, approving appointment of Sir N. Johnson, read.

Order of Council, July 23, approving appointment of Edward Birch, read.

Draught of a clause to be inserted in the Instructions to be given to the Governor to be sent by H.M. to Barbadoes, for securing the liberty and property of H.M. subjects there, and to prevent hardships by long and unreasonable imprisonments, agreed upon. [C.O. 391, 15. pp. 150-154; and 391, 96. Nos. 132, 133.]

July 30.  
Port of  
Annapolis.

**798.** Minutes of Council of Maryland. The President, Tho. Tench, acquainted the Board that Governor Blakiston, upon his departure, advised him to call the Council before the last of this month, and that John Carvile, to whom H.E. had sent the Sheriff's Commission for Cecill County, had refused to accept it. The County Court being near at hand, he proposed to send a blank Commission to James Frisby to give to such person as he shall think fitting. Ordered accordingly.

Commission of the Peace for Cecill County issued, appointing William Harris, Hans Hanson, Mathias Vanderheyden and Edward Blay of the Quorum, Ebenezer Blakiston, John Stoope, John Hynson, Joseph Hopkins, John Moll, and Samuel Byard, Justices of the Peace. Ordered that the Secretary and the Clark of the Council keep each of them a fair book, wherein to enter the names of all persons appointed and commissionated to any office in this Province, and that the Sheriffs make a speedy return of all such officers and the date of their commissions.

Resolved that the Commissions to be issued under the Great Seal bear the teste of Thomas Tench, President of the Council.

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The Great Seal, Commissions and Letters from the Lords of Trade, etc. were delivered to the President, and the Council advised that they should be lodged in the Council Office.

Letters to Lord Cornbury and Governor Nicholson, to acquaint them with Governor Blakiston's departure, ordered to be written.

July 31.

Capt. Nathaniel Bostock's letter of July 29, requiring this Board to lend him 100*l.* sterl. for the support of H.M. Advice-boat *Eagle*, read. He was told that the Board are heartily sorry that it is not in their power to assist him in so great an exigency, and that no Instructions have been given this Government or Capt. Bostock to apply to them for any credit or otherwise. And since H.M. has no money here which is particularly to be applied in providing this Province with a constant magazine of arms and ammunition, they cannot supply him unless out of their own pockets, not having power to dispose of any of that money otherwise than as intended and directed. However, that H.M. service do not suffer, upon this pressing occasion they will procure him 100*l.* sterl., provided he will give good country security to refund the same in some reasonable time.

It being represented that the Dissenters are very industrious to draw away the unstable people, who not being sufficiently instructed in the principles of their religion are often seduced, and that this happens in a great measure from the neglect of the clergy in their duty of their parochial visits, ordered that the Ministers of the several parishes be admonished monthly, or at least quarterly, to visit their parishioners and instruct them in the principles of their religion, whereby they may prevent their being seduced.

John Brice, Abraham Birkhead and Josias Towgood appointed Justices of Ann Arundel County.

Proclamation ordered, to satisfy the inhabitants that the Government is devolved upon the President and Council, and that all persons are continued in their respective offices.

Ordered that the County Courts order the several overseers of the highways to fell such trees as stand nigh the public roads and have been killed by the caterpillars or otherwise, to prevent the dangers of their falling, and that they take care to put the Act of Assembly relating to highways in due execution.

The Board having nothing further lying before them, desire the President to expedite the business of the Province not being of very great consequence, and to give the Board account thereof at their next meeting. [C.O. 5, 745. pp. 1-4.]

July 31.  
Whitehall.

**799.** William Popple to Sir Edward Northey, Attorney General. Enclosing bond of sureties for Governor Birch, and desiring an answer to queries sent July 14. [C.O. 5, 1290. p. 150.]

Aug. 1.  
From my  
Lord Jaines  
Russell's  
House.

**800.** Sir Henry Ashhurst to William Popple, jr. Yours of July 14th came to me but yesterday, etc. I had a copy of the New Hampshire Act, and since, no account of the Act, but as to the 100*l.* that concerns myself, their Lordships will I presume think it reasonable, when I have been Agent for so many years

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on the terms of 100*l.* *per annum*, and this is the first they have raised; they have since dismissed me, and I hear they have sent an Agent from New Hampshire, who is, I presume, arrived, and will soon wait on their Lordships. *Signed*, Hen. Ashhurst. *Endorsed*, Reed. 3rd, Read Aug. 7, 1702. *Addressed*. *Sealed*. *Post Mark*. 1 *p.* [C.O. 5, 862. No. 123; and 5, 910. pp. 230, 231.]

Aug. 3.

**801.** List of persons proposed to be of the Council of New Jersey. For the Eastern partition:—Andrew Bowne, the Proprietors' last Governor; Richard Hartshorne, of Middletowne; Jno. Royse, of Piscataway; Richd. Towneley, of Elizabeth Town; William Laurence, of Bergen County; Obadiah Towne, of Middletown; Jeremiah Basse. The following are next fittest:—Thomas Warne, of Amboy; Elisha Parker, of Woodbridge; William Laurence, of Freehold; William Sanford, of Bergen County; Samuel Walker, of Piscataway. But against the following persons many objections are made as being of the Scotch and Quaker factions, concerned sundry years in the divisions and incendiary parties, that has brought those Provinces into such confusion of Government, injustice to the Proprietors and aversion of the Planters and inhabitants; vitz., Lewis Morris, the head of the faction; Samuel Leonard, George Wilcocks, John Barclay, Michael Harden, Thomas Gordon, David Lyall, Miles Forster, Jno. Johnstone.—These nine of the Scotch and Quaker faction. Jno. Bishop, Samuel Dennis, Wm. Pinhorne, Samuel Hale.—These last four have other characters rendering them unfit for that station. For the Western Partition:—Thomas Revell, George Deacon, Daniell Leeds, Edward Hunlock, Jno. Holme, of Salem; Capt. Joseph Seeley, of Fairfeild, Col. Robert Quary, when arrived. ? Jeremiah Basse, when arrives. There are some other Quakers that are men of parts and knowing in the affairs of the Province, but more particularly take caution against Samuel Jennings, Francis Davenport and their faction. *Endorsed*, Communicated by Mr. Blathwayt from the Earl of Nottingham. Reed. Read Aug. 12, 1702. 1½ *pp.* [C.O. 5, 970. No. 4.]

Aug. 3.

**802.** Minutes of Council of the Massachusetts Bay. Copy of Proclamation proroguing the Assembly till Sept. 23. *Signed*, J. Dudley. [C.O. 5, 788. *p.* 365.]

Aug. 3.  
Boston.

**803.** Minutes of Council of the Massachusetts Bay. H.E. acquainted the Board with his proceedings in his voyage eastward to visit the frontiers and see the Indians. He enquired at Saco into the complaints against Capt. Turfrey, found them frivolous and groundless, and therefore restored him to his command of the Fort there. He found Capt. March at his post at the Fort in Casco bay, and all things in good order at both Forts, only the soldiers of the garrison pray to be relieved, having been long in the service. He proceeded to Pemaquid, where the

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Indians attended him. He presented a Memorial of what passed between them.

H.E. communicated a letter received from three of the Members of H.M. Council of New York, July 27, importing that Thomas Weaver, late Receiver General, having not accompted for the public monies in his hands, and William Atwood, late Chief Justice, against whom several articles of high misdemeanour have been exhibited, and Capt. John D'Peyster, one of the securities of Mr. Weaver, had absented themselves from that Province, and the two latter were supposed to be in Boston, and desiring that they might be taken up.

Capt. D'Peyster, attending, acknowledged that he and Dr. Staats were bound in 2,000*l.* for Mr. Weaver that he should make a reasonable accompt by Oct. next, and declared that himself came hither upon his particular business, and expected two vessels with goods from New York; that he hoped to dispatch his business in two or three months' time, and would then return home to New York. He had not seen Mr. Weaver or Mr. Atwood since he came from thence, nor knows anything where they are. H.E. then put the question to the Board, whether Capt. D'Peyster should give his own bond, with some other person, to the Queen in 2,000*l.* to show himself to H.E. in Council here at any time within three days after notice left at his present lodging in the house of William Rouse, during his abode in this Province, and not to depart the Province without first giving three days' notice to H.E. Passed in the negative.

Order made for payment of Members of Council in accordance with the Act of 4 W. and M.

Order that Mr. Treasurer procure provisions from time to time for the garrisons of the Forts, etc.

Ordered that Mr. Treasurer make good the sums expended out of town stocks for killing wolves, according to the Act.

Pensions and stipends, etc., granted by Assembly, ordered to be paid.

78*l.* 0*s.* 1*1/2d.* paid on account of H.E.'s late journey eastward to the frontier.

Advised, that H.E. emit a Proclamation proroguing the Assembly till Sept. 23. [C.O. 5, 788. pp. 181-184.]

Aug. 4.

**804.** Copy of Col. Codrington's Commission [*from Queen Anne*] to be Governor of the Leeward Islands. Westminster, Aug. 4. *Countersigned*, Wright. [C.O. 153, 7. pp. 445-468.]

Aug. 4.  
Bermuda.

**805.** Lt.-Governor Bennett to William Popple. *Refers to matters given elsewhere.* From Jamaica I had advise, July 5, that Mons. Du Cases was carrying a new Governor for Carthagena, and it was hoped he would be intercepted, and, July 9, that the day before our crusers carried into Port Royal a French vessel of above 300 tuns, which they took near Cape Nicholas, laden with sugar and indigo, and on the 10th day Admiral Benbow being under saile (on some expedition not publick), three more

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French prizes were carried into his fleet. My correspondent believes that the Admiral intends for Petit Guavas, where there are 16 merchant ships laden with sugar and indico bound for France, and adds that Monsr. Chauternault is at the Havanna with 25 sail of men-of-war and five fire-ships. I have heard from all our Governments in the West Indies, except Virginia and Maryland, that orders have been sent to proclaim the Queen, and in most of them war, therefore conclude my pacquets have either miscarried, or remain in one of those two places, where we seldom have any vessels goes, but Barbadoes is never long without a sloop from this place, therefore pray for the future send that way. *Signed*, B. Bennett. *Endorsed*, Recd. 23rd, Read Jan. 26, 1702. *Addressed*, "The way of Barbados." *Sealed*. 2 pp. [C.O. 37, 4. No. 1. A.; and 38, 5. pp. 330, 331.]

Aug. 4.  
Whitehall.

**806.** Earl of Nottingham to the Council of Trade and Plantations. The persons, whose names are contained in the enclosed list, being thought proper to be Members of the Council for Nova Cæsarea or New Jersey, I am directed to transmit the same to you, that in case you have no objection against any of them, you may cause them to be inserted in the Instructions preparing for Lord Cornbury, who is appointed H.M. Governor of the said Province. *Signed*, Nottingham. *Endorsed*, Recd. 5th, Read August 11, 1702. *Enclosed*,

806. i. List of persons proper to be of the Council of Nova Cæsarea: Col. Richard Townely, Thomas Revell, John Berry, Daniel Cox, jr., William Laurance, jr., Daniel Leads, David Shepherd, William Sandford, John Royce, Edward Hanlock (*sic*), Capt. Andrew Bowne, Capt. John Jewell, Lewis Morris, Capt. John Reading, Capt. John Bowne, John Holmes, George Tayler, Edward Slater, Thomas Codrington, Obadiah Holmes. 1 p. [C.O. 5, 970. Nos. 5, 5.i.]

Aug. 4.  
Boston.

**807.** Lt.-Gov. Povey to the Council of Trade and Plantations Capt. Jackson (see July 20) is sent home on board the *Speedwell* with the evidences of his crimes and misdemeanours. *Signed*, T. Povey. *Endorsed*, Recd. Read Sept. 22, 1702. 1 p. [C.O. 5, 862. No 124; and 5, 910. pp. 266, 267.]

Aug. 4.

**808.** Minutes of Council [*in Assembly*] of Barbados. The Representatives were returned pursuant to the writs lately issued. [*The names as given June 30, except that John Holder takes the place of William Davie as Member for St Joseph's.*]

They all took the oaths, except Major Estwick, who was not admitted by reason of some dissents arising about the qualifications of several persons that voted for him, and therefore this Board thought fit to let that matter be litigated before the Assembly according to an Act of this Island.

215*l.* 19*s.* 4*d.* paid to Capt. Philip Kirton for his salary and disbursements to July 31, 1702, on the fortifications for the

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precincts of Christ Church, and 50*l.* 15*s.* 6*d.* for his salary and disbursements on the fortifications of St. Michael's.

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Ordered that the ships bound for Europe have leave to sail on Monday next, provided Capt. Mauham, with H.M.S. *Kinsale*, who went out of the Road for fear of bad weather, come in by that time, and that he be ordered to convoy them to the windward of Diziada.

The Assembly attending, the President recommended to them a petition of Capt. Charles Thomas for money for the hire of his vessel to carry the packets which were ordered from England to the Leeward Islands and Jamaica; and also that some care might be taken for the payment of the rent of the house taken for the Governor, and for maintaining the French prisoners that shall be brought in here; and that they consent that an order be drawn on the Treasurer for 10*l.* which Capt. Bullard paid Capt. Maxwell for carrying pacquets to Jamaica.

Copies of the returns of the Members of Assembly were given to them. [C.O. 31, 6. pp. 245-247.]

Aug. 4.

**809.** Journal of Assembly of Barbados. The new Assembly [see June 30 and preceding abstract] met at the house of Mr. John Goboy in St. Michael's Town, and elected Thomas Maxwell, Speaker, and then chose William Rawlin, Clerk, and George Hooper, Marshall.

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The House appointed the salaries of the Clerk (150*l.* sterl.) and Marshall (25*l.* sterl.).

The Ancient Rules of the House were read and passed.

The Hon. James Colleton presented a petition against the election of Major Estwick. Tuesday appointed for hearing evidence and the parties without counsel. It was moved that Major Estwick sit as a member till the petition be determined and that he be presented to the President and Council to be sworn. Carried in the negative.

*And see preceding abstract.* [C.O. 31, 6. pp. 471-474.]

Aug. 5.  
Boston.

**810.** Governor Dudley to the Council of Trade and Plantations. Since my last from Piscataqua, I have been in all the Eastern parts of the Province of Mayne, as far as Pemaquid, with a Committee of the General Assembly to view the ruins of that place, and, in my return, by appointment I met the Sachims of all that country as far as St. Croix and Penobscot, and renewed the English friendship with them, and assured them of trade, and everything they want, if they will keep off from our English Settlement during the war, because we shall not distinguish them from Canada Indians. Nothing but the French Priests amongst them will put them out of a temper towards us. We have three privateers with about 60 men each, who have the last week sent in a French katch, and three sloops loaden with fish and salt, taken upon the coast of Cape Sables, and we hope for better prizes by those that are abroad. The workmen and surveyors I carried with me to Pemaquid will not allow that Fort to be repaired, so far as the stone-work goes, without

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any lodgings or finishing within, under 7,000*l.*, and near as much more within, for the receipt of men and stores, besides 20 pieces of ordnance to put into it, and then the maintenance of 100 men upon our New English method of payment, which is 2*s.* per diem, instead of 8*d.*, the English establishment, with incidental charges will amount to near 5,000*l.* a year, besides all other occurrents of the war, on all the frontiers of these provinces, which will truly be insupportable. However, I shall with all earnestness and application put the matter as far as I can with the October Assembly, till when nothing can be done. I am humbly of opinion, if the canon for that place and other parts were sent, and the men that I have humbly prayed for upon H.M. establishment, to support and cover that work and assist in it, it might be done the next summer, we having now found a bank of oyster-shells near it, and sufficient for the lime of that and many other works. I continue to pray your Lordships that Capt. Byfield may be restored to the place of Judge of the Admiralty, which Mr. Atwood has now left, by absconding and leaving the country; and that you will move H.M. to allow a fourth-rate for the attendance and security of this Province, besides the *Gospir* [? *Gosport*], a fifth-rate that is here at present. I should be wanting to my duty, if I should not do Lieutenant-Governor Partridge the justice to acquaint H.M., that I find no complaint in that Province, but a great readiness in everything, and by his means they have set the Revenue of that little Province at three times more than my Lord Bellomont had it, besides the new duty upon boards and timber, which I hope so to manage as to get it continued for the future. *Refers to case of Capt. Jackson.* I am well assured the Lt.-Governor will be justified. In obedience to H.M. Instructions, I have with the unanimous advice and consent of the Council nominated Paul Dudley, Barrister at Law, H.M. Attorney General, if he may be allowed. I hope he will do his duty with all care, though there is no salary nor allowance for an Attorney General, and the profit in all pleas of the Crown is on the other side. *Signed, J. Dudley.* *Endorsed, Reed. Read Sept. 22, 1702. 3 pp. Enclosed,*

810. i. Conference held between Governor Dudley and the Eastern Indians, July 27, 1702.

810. ii. The Governor arrived at Sagadahoc, and was presently attended by Moxus and eight other Sagamores and about 140 more Indians. H.E. bade them welcome in the name of the great Queen, and enquired if they had any complaints. "I have seen the Two Brothers [*Treaty Stones*], and am content that they continue here, and I shall add one stone in the Governor's name as I return, if you shew your respect to the Queen and her subjects here. I shall continue the Trading Houses at Casco and Saco, and if you acquaint the commanders there, you shall have supply of everything there, as soon as it can be sent, at all times. We have now a war with the French by command of H.M., and we expect some of the Canada Indians may be seen about our

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Towns of Wells and York Nечawannock and other places, and our people will not be able to distinguish you that are friends from them, and therefore I think it best that at present you keep on this side Saco River, and you shall be supplied with all things at proper places. I have been told that you have in your tribe a young man who was carried into England by Sir William Phips. If I had known it in England, I would have brought him, but since I arrived I have written to pray the Queen that he may be sent to me, and if my letters do not miscarry and he be living, I have no doubt but to restore him to you. I don't doubt of your friendship, but have my scouts abroad to discover the French or French Indians, and expect that when you know of any such, as you are my friends, you will tell me of it. Whenever you Moxus, or others, desire to see me, I will direct a sloop to bring you, and would not have you come to the Westward of Saco River, by reason the English will not know you from enemies." *Moxus* replied that these propositions were such as he had desired, and asked that his friend Franxwaxer might speak for him. Franxwaxer welcomed H.E. "Now you are pleased to come, we are glad and all absent Indians are of our mind. We will stand fast and true to our Covenants made."

*Governor* : "Do you say this in every man's name?" The Indians manifested a general assent. *Indians* : "The last Spring when the Council was at Casco, the Two Brothers were made, and we have found no inconveniences since, and desire always to live in brotherly love. We hear nothing of the war by way of the sea." *Governor* : It is expected you stand steady. We will be your friends. *Indians* : We will only stand still, and see and will be friends. *Governor* : If any Englishman wrong you, I will right you upon your complaint, but to prevent wrong, I would have you come only to the Trading-Houses at Casco and Saco, lest you are taken for French Indians. *Indians* : We keep in mind our Covenants, and come to see why so many English remove from their settlements. *Governor* : I am but lately arrived, but approve of what was done by the Gentlemen at Casco Bay. I am not angry with you, but the English, that they leave their places. *Indians* : We are so faithful that the more we see the English stir about, the more we go amongst them, that they may not fear. *Governor* : The poor people can't distinguish you from French Indians, now there is a war. That is why I direct you not to go beyond our factories. *Indians* : Our land goes as far as Penicook and St. John's; we want our land to hunt on, and can't tell how to abridge ourselves of going over Saco River. *Governor* : You must not come near our settlements,

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for our English may take you for French Indians, and do you hurt. If any of you would come to Boston, Salem, or Portsmouth, I will take care they shall, and to supply you, but fear by your coming amongst our settlements mistakes may happen. *Indians* : If we come when we want anything, we will come freely, without any harm. *Governor* : You need not come to any English house ; you shall have full supplies at the Trading-houses. There is no way to prevent mischief, but for you to be supplied at the factories. When you come to a factory and desire supplies, they shall be sent immediately. *Indians* : We like very well what your Excellency saith, to go nowhere else but to the factories to trade, because of the poor people. Have Penicook Indians been to wait on you ? *Governor* : That day I arrived, two Penicook Indians were to see me, and went to call their Sagamores, whom I expect, and am well assured of their friendship. I was in such haste to see you, I did not stay for them. Is there any Pennicook-men here ? *Indians* : No. We desire to hear more concerning our captive lad. *The Governor repeated what he said above*. *Indians* : Why is there no Trading-house here ? *Governor* : I shall set one here soon, that shall better supply you still ; in the meantime nothing shall be wanting at the other. *Indians* : It is dangerous to go over the Bays to Casco in the winter. *Governor* : I shall take care, in the meantime, to supply you at Saco and Casco, and soon plant a Trading-house hereabouts, but those are many miles nearer than Nечawannock, or any English settlements. *Indians* : We desire to know the price of things. *Governor* : Are not the factories kind to you ? *Indians* : We have not enough for our Beaver. *Governor* : English goods are dear, and beaver cheap. There was a factor at Casco that complaint was made of that he was not kind to you. I have turned him away, and it will be better. *Indians* : We have not above half so much for our beaver as formerly. *Governor* : It is not worth a quarter so much in Europe. It is out of fashion much, but it may be better hereafter ; by and by it will be well again. *Indians* : We are always promised beaver will rise, but we think never. *Governor* : I am no merchant, and get nothing by it, but am Governor of the merchants, and will see they use you kindly. *Indians* : You can govern the matter better than it used to be. *Governor* : I doubt it not. *Indians* : We desire to have the same pennyworths now, as when the Peace was first made. *Governor* : I will examine the prices of things and let you have goods as cheap as may be, and the merchants live. H.E. shook hands with the Sagamores, and said that he was glad to hear they had given over drinking, and had brought them

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an handful of corn. *Endorsed*, Reed. Read Sept. 22, 1702. 5*1*/<sub>4</sub> pp. [C.O. 5, 862. Nos. 125, 125*i.*, ii.; and (without enclosures) 5, 910. pp. 268-272.]

Aug. 5.  
Jamaica.

**811.** Lt.-Governor Beckford to the Earl of Nottingham. Having this day received fresher adviee from the Havanna than any contained in my former, I thought your Lordship would excuse this additional trouble. By one of our men who had been taken into that port out of one of the three sloops mentioned in my former, I am informed that on the 13th of June (the day he made his escape from thence) Châteaurenault was not arrived from La Vere Cruz, where he was gone to fetch the flota, and that at the Havana it was doubted whether he would be able to prevail with them to make use of his convoy, that there was a rumour of his death, and that the Vice-Admiral was buried at the Havana the day before this person left it; that the French had lost the greatest part of their men, and the remainder were very sickly. I have no news yet from either the Admiral or our privateers. *Signed*, Pe. Beckford.

Aug. 25. I have had no further advices either of the flota or Monsr. Chateaurenault's squadron, soe that I am not able to guess whether they are still at the Havana, or have left the West Indies.

The Admiral with 7 men of war has been on the north side of Hispaniola, and put the French under no small consternation at Leogane and Petit Guavas. He forced a man of war of 46 guns ashoar, which the French, rather then she should fall into our hands, blew up. The Admiral with his boats set fire to two great merchant ships, and took two more, with a brigantine and a sloop, which were brought into Port Royal the 14th inst. by the *Colchester*. On the 13th the master of a sloop belonging to New York declared upon oath that on July 27 he spye 22 sail of large ships off Porto Rico, which I believe may prove Ducass' squadron with some transport ships designed for Carthagena. I immediately dispatched away 2 sloops, one to the Admiral and another to the Reer-Admiral with the account I received, but the Admiral had, I suppose, got information of them; for the very next day I received a letter from him that he designed for the coast in quest of M. Ducass, who he heard was arrived in these parts, so that I guess the Admiral is now near Carthagena. The design of surprising Porto Bello is come to nothing, but I durst not pretend to place the fault anywhere till I am better informed, tho' I hear 'tis generally charged to Capt. Hartmen in the *Glocester*. The Captains of the three first privateers that arrived, who were to attend the rest went aboard the *Glocester* to give the Capt., who had been some time absent from hence, an account of the war, which he knew nothing of; the very next day he sends his pinnace ashoar to receive a trifling debt due from some of the town. One of the boat's crew, who was an Irish man, informs the Spaniards of the Declaration of War, who immediately seized upon both pinnace and men; the Capt. sends a letter to the Governor to demand his boat and crew,

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withall threatening to knock the town about his ears in case of refusal. The Spaniards I suppose returned as rodomantadoing an answer. The next day the *Glocester* with the little *Seahorse* hawl in with the little Fort called Casteel de Ira at the entrance of the harbour and battered it. The Castle played upon our 2 frigotts, but I think did them no great mischief, and the next day our two men of war left the coast, and are now in harbour, but neither of the Captains have been with me. I suppose our Privateers (the Spaniards being alarm'd and consequently removing their money out of the town) would not venture their bones where there could remain no prospect of a booty, and must now think of something else. This is the account which I have of the matter, but I durst not venture to say, whether it will prove to be a true state of the fact. This day one of our privateers has sent in a Spanish *barco-longo* laden with tobacco.

During the little time our Assembly has sate, I have prevailed with them to dispatch the most necessary business, and they have accordingly pass'd an Act for present subsistence of H.M. officers and soldiers, an Act for raising several sums of money to discharge public debts, and providing funds for the safeguard of this Island, an Act for raising an additional duty and import, an Act for the more effectual raising parties to pursue and destroy rebellious and runaway negroes, all which I have transmitted to the Lords Commissrs. for Trade for H.M. Royal approbation. We are now in a precarious kind of state as to our Government here: the 6 months allowed by the Act of Will, being now expired, all persons are cautious of acting. The Chief Justice has absolutely refused to hold a Court, which has made some others timorous. I have no power to act by but H.M. Proclamation. However, I shall venture to do anything rather than incur the displeasure of my Queen. I shall, I hope, be able to keep things in a quiet posture, to be sure my endeavours shall not be wanting to effect that. *Signed*, Pe. Beckford. *Endorsed*, R. Jan. 8, 1702.  $3\frac{1}{4}$  pp. [C.O. 137, 45. No. 12.]

Aug. 5. **812.** *Duplicate of preceding.*  $2\frac{1}{4}$  pp. [C.O. 137, 45. No. 13.]

Aug. 6. **813.** Order of Queen in Council. Referring to the Council of Trade and Plantations, for their opinion, the enclosed petition. *Signed*, John Povey. *Endorsed*, Nov. 19, 1702.  $1\frac{1}{4}$  pp. *Enclosed*,

813. i. Petition of Sir Mathew Dudley, Bart., and other Gentlemen and Merchants, to the Queen. *Refer to* previous petitions and proposals for a Charter of Incorporation for working mines in New England, etc. Petitioners have lately received fresh assurances that sufficient Naval Stores may be produced there to supply this Kingdom, and are ready at their own charge to begin and carry on to effect a design so useful to the Publick, if they may be encouraged thereto by your Majesty's Royal Charter of Incorporation. *Copy.*  $1\frac{3}{4}$  pp.

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[*C.O. 5, 862. Nos. 126, 126.i.; and 5, 910. pp. 295-300.*]

Aug. 6.  
Hampton  
Court.

**814.** Order of Queen in Council. Referring enclosed petition to the Lords Commissioners of Trade and Plantations for their report. *Signed*, John Povey. *Endorsed*, Reed. 18th, Read Aug. 19, 1702. 1 p. *Enclosed*,

814. i. Petition of the Inhabitants of Barbados now in England and of the Merchants trading thither to the Queen. Some of the Petitioners have their sole dependance upon the preservation and property of Barbados and others have great effects there. The said Island for two years has had such unseasonable dry weather that many of the poor people for want of bread have been forced to leave it, and all of them brought to great distress. In order to their preservation it is of necessity that three small ships of war should be appointed for cruizers to attend the Island constantly for security of the ships that come thither from England, Ireland and the Northern Plantations with provisions, the French privateers else lying in the latitude of the Island do frequently take them, and thereby discourage the merchants from sending any ships thither, till they hear there is sufficient to preserve them from the French. And the further use the said cruizers will be to see the ships that shall be laden there and bound home clear of the French Islands by which they must pass, and will be exposed to their privateers. There is at present but one of your Majesty's ships at Barbados. The apprehensions Petitioners have that the Island may be attacked by the enemy, grounded upon several letters that the great French Fleet that lay at Martinico in March last had orders to attempt it if the English forces had made any upon the French or Spanish Dominions in the West Indies, causeth them to believe 'tis of absolute necessity for preservation of the Island, in case of an attack, that there should be some regular troops sent thither, for that the present Militia are but few, and consist mostly of servants, and the fortifications there very defenceless. The said Island lying to windward of all your Majesty's Sugar Plantations and being a great security to the rest, the loss of it would be in all probability the cause of the loss of all the others, and consequently the loss of the Sugar Trade to England. The plunder an enemy would meet with, and the immense damage they would do to England barly insulting the Island and destroying the works would be a strong temptation to them to attempt it. *Petitioners pray for* three small ships of war and some well-disciplined regular troops to be sent thither forthwith. *Signed*, Paul Allestra, Mel. Holder, H. Hall, Wm. Tryon, Tho. Wright, Richd. Diamond, Ja. Aynsworth,

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Nath. Rous, Robt. Chester, Christ. Fowler, Richd. Hate, Benj. Scott, Hen. Hale, Rowld. Tryon, Hen. Adderly, Phi. Lascelles, Wm. Walker. *Signed*, John Povey.  $2\frac{3}{4}$  pp. [C.O. 28, 6. Nos. 73, 73.i.; and 29, 8. pp. 194-197.]

Aug. 6.  
Hampton  
Court.

**815.** Order of Queen in Council. Approving a report of the Lord High Treasurer (*quoted*) and ordering accordingly that, the effects of the duty of  $4\frac{1}{2}$  per cent. in the Charibee Islands remaining in H.M. Warehouses in England be forthwith sold, and that of the proceeds (*estimated at 5,500l.*), 3,500l. be applied to the sending to Barbados an able engineer, a Storekeeper, a Master-gunner and 17 other Gunners and for the paying them the advance of one quarter's salary, and that the residue of the 3,500l. be laid out in such fire-arms and ammunition mentioned in the estimate of the Principal Officers of the Ordnance annexed as the Lords Commissioners of Trade shall think most necessary; That the remaining 2,000l. be employed towards making good the demands of the Governor of the Leeward Islands for stores of war, according to the estimate of the Board of Ordnance, so far as it will reach by a proportionable quantity of each species, and especially of such fire-arms and ammunition as the Lords Commissioners of Trade shall think most necessary to be sent thither. The Lord High Treasurer is to give the necessary directions for selling the said effects of the  $4\frac{1}{2}$  per cent. and for applying the money arising thereby accordingly. The Principal Officers of the Ordnance are to send the Engineer, Storekeeper and Gunners, together with the said arms and stores to the respective Islands. Her Majesty is further pleased to declare that as there shall be any more of the produce of the Duty of  $4\frac{1}{2}$  per cent. over and above the 1,000l. payable to the heirs and assignees of the Earl of Kinoule, H.M. will give order for the particular application thereof from time to time as to H.M. shall seem most requisite upon such Representations as shall be made to H.M. from the Governor and Council of H.M. Charibee Islands. *Signed*, John Povey.  $2\frac{1}{4}$  pp. *Enclosed*.

815. i. Copy of Estimate of the value of Stores of War demanded for Barbados, 17,467l. 15s. 9d., and the annual charge of sending an Engineer, Storekeeper and Gunners thither, 1,258l. 15s. 0d. Office of Ordnance, May 21, 1702. 3 pp.

815. ii. Copy of Estimate of value of Stores of War demanded for Antego, 2,516l. 9s.  $10\frac{1}{2}$ d. Office of Ordnance, May 21, 1702.  $2\frac{3}{4}$  pp.

815. iii. Copy of Estimate of value of Stores of War for Nevis, 1,111l. 5s. 2d. Office of Ordnance, May 21, 1702. *Endorsed*, Reed. Read Aug. 13, 1702.  $2\frac{3}{4}$  pp. [C.O. 28, 6. Nos. 72, 72.i.-iii.; and 29, 8. pp. 137-145; and (*Order and Enclosures ii., iii., only*) 153, 7. pp. 509-518.]

Aug. 6.

**816.** Memorandum of preceding Order in Council.  $\frac{1}{4}$  p. [C.O. 152, 4. No. 109.]

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Aug. 6.  
Hampton  
Court.

**817.** Order of Queen in Council. Ordering, upon the report of the Master of the Ordnance, Stores of War to the value of 3,388*l.* 3*s.* 4*d.* to be sent to Virginia and payment to be made out of the quit-rents of the Colony. [See *Acts of Privy Council. Colonial. II.*, p. 412.] *Signed*, John Povey. 1*½* pp. *Annexed*,

817. i. Estimate of the cost of arms for 1,000 ft. and 400 horse in Virginia by the Office of Ordnance, as above. June 16, 1702.  $\frac{3}{4}$  p. *The whole endorsed*, Recd. Read Aug. 18, 1702. [C.O. 5, 1312. Nos. 41, 41.i.; and 5, 1360. pp. 218-220.]

Aug. 6. **818.** Minutes of Council in Assembly of Jamaica. Peter Heywood and Henry Lowe took the oath to Queen Anne and subscribed the Test.

The Assembly met. Members elected—

For St. Catherine's,	Francis Rose, Mathew Gregory, Robt. Nedham.
St. Thomas,	John Coply, Dr. John Blaire.
St. David's,	Edwd. Turner, John Clarke.
Clarenden,	Charles Long, John Peeke.
Vere,	Andrew Langley, Valtn. Mumbee.
St. Dorothy's,	David Masters, Edward Mohunn.
St. Andrew's,	Lt.-Coll. Thomas Clarke, Dr. Saml. Knight.
Port Royal,	Richd. Thompson, John Lewis, Thos. Hudson.
Kingston,	Edward Stanton, Edmund Edlyne, Thos. Barrow.
St. George's,	William Willson, Dr. Noah De Launay.
St. Mary's,	Richard Bathurst, John Ellis, jr.
St. Anne's,	Thomas Brayne, Nich. Phillpott.
St. James',	Usher Tyrrell, Dr. John Towgood.
St. John's,	Francis Bragg, John Ayscough.
St. Thomas in the Vale,	Archar Martin, Willm. Nedham.
St. Elizabeth's,	John Lewis, Thomas Raby.

All the Members present took the oaths, etc. appointed, and afterwards retiring, elected Major Francis Rose their Speaker,

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of whom H.E. approved. The Speaker prayed the usual privileges, and H.E. addressed the House:—It is no small satisfaction to me to see most of the same faces as were at our last meeting, and though we cannot too much lament the sad occasion of our last separation upon the death of the greatest and best of monarchs, yet we have reason to bless God that he was succeeded by such a Princess, whose firm and timely resolutions gave a new life to her subjects, as well as a new face to the affairs of Europe. We are now engaged in war. I could wish therefore the affairs of this Island were in a better posture. You cannot be ignorant of the low state of the Revenue, and the urgent necessity we lie under of paying not only our old debts, but of raising such sums as you shall judge necessary for our common defence and security. The fireships are not yet paid for. The accounts were laid before the last Assembly. They were made ready at the instance of a General Council of War, and were then adjudged necessary, but will now, be sure, be of greater use. And I think it will be a blott upon our public credit to let that remain any longer a debt. The Additional Duty is once more fallen. I cannot think it will raise much money during the war. However, it's so easy a tax that I am of opinion it will be highly convenient to renew it. The time limited for the quartering the officers and soldiers is now expired, and you cannot be ignorant of the trouble it has occasioned. It will behoove us immediately to enter upon this work, and to make suitable provisions not only for them, but such other officers and soldiers as H.M. shall be pleased to send to our assistance. Our time is likely to prove short, and the war so buisey in these parts, that I hope I need not put you in mind of a dispatch of what I have recommended to you. H.M. has been pleased to order me to assure you and all other her subjects of her gracious favour and protection, and we in return ought with our fellow subjects in England to exert ourselves with one heart and mind against her enemy," etc.

Aug. 7. John Gay was sworn Clerk, and Edward Batterton Messenger of the Assembly. Some Members of Assembly took the oaths.

The writs of the Election and returns were sent down.

Aug. 8. Two Members of Assembly sworn. [C.O. 140, 6. pp. 393-398.]

Aug. 6. **819.** Minutes of Council of the Massachusetts Bay. Letter from John Winthrop, Governor of Connecticut, read, in answer to H.E.'s letter relating to the molestations and injuries offered to the inhabitants of Enfield and Suffield, two of the towns belonging to this Province.

H.E. asked advice of the Council as to the people lately issued forth to settle at Cascobay, who are put in fear by reason of opening the war, and about to remove. Advised, that he write unto them, directing that for their better security in this time of war, and to prevent the insults of the Indians, they be drawn together to dwell under the covert of H.M. Fort, their present settling there not to prejudice the title of any persons to the lands

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they shall settle upon, and they not to make any strip or waste of wood and timber.

500*l.* paid to Thomas Brattle towards completing the fortifications on Castle Island.

Wages due to garrisons of Fort Mary at Saco and the Fort at Casco Bay, Oct., 1701—April, 1702, paid.

Thomas Downing's account for hire of a ketch paid.

John White, Chaplain of the Forts at Saco and Casco Bay, paid at the rate of 1*l.* a week.

3*l.* 6*s.* 4*d.* paid to Andrew Belcher for money expended by him.

278*l.* 14*s.* 11*d.* paid to the Treasurer for provisions supplied to the Forts, and charges for a journey to Connecticut, to find out the boundary.

David Wentworth, David Jenner, Joseph Allen and Thomas Cooper paid for hammocks, bedding, etc., for the soldiers at H.M. Castle.

244*l.* 16*s.* 1*d.* paid to Capt. Cyprian Southack, Commander of H.M.S. *Province* galley, for fitting out and provisioning her last spring.

A deputation from William Atwood, Commissary and Judge of the Admiralty, appointing Thomas Newton to be his Deputy for Massachusetts Bay, New Hampshire and Rhode Island, read.

Thomas Newton took the oaths appointed. [C.O. 5, 788. pp. 184—187.]

Aug. 7.  
Windsor.

**820.** Earl of Nottingham to the Council of Trade and Plantations. It is H.M. pleasure that Mr. Chamberlain's name be inserted among the Council of Barbados in Sir Bevill Grenville's Instructions, if you have no objection to the contrary. *Signed*, Nottingham. *Endorsed*, Reed. Read Aug. 11, 1702. 1 *p.* [C.O. 28, 6. No. 74; and 29, 8. p. 123.]

Aug. 7.  
Whitehall.

**821.** Journal of Council of Trade and Plantations. Letter from Lord Nottingham, July 29, read. Directions given for preparing an answer.

Capt. Haskett attending and desiring a report upon his petition, directions were given for preparing a Representation accordingly.

Letter from Sir Henry Ashurst, in reply to letter of July 14, read.

Ordered that Mr. Vaughan, lately arrived as Agent from New Hampshire, and Mr. Partridge be desired to attend the Board on Monday.

Ordered that the Proprietors of East and West New Jersey have notice to attend the Board on Wednesday, in relation to Lord Cornbury's Commission and Instructions. [C.O. 391, 15. pp. 155, 156; and 391, 96. No. 134.]

Aug. 8.

**822.** Mr. Hutcheson to Mr. Popple. Besides those I have noted to be dead, Mr. Mead named for Nevis and St. Christopher's, Mr. Fry and Mr. Duncomb for Antego, and Mr. Willet for

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St. Christophers are also vacancies ; Mr. Mead being in England and so ill that 'tis believed he will not recover, and if he does 'tis more than probable he will as little desire to assist Col. Codrington in Council, as Col. Codrington desires his assistance. Mr. Fry is very old and infirm and has not for two years past appeared in Council ; Mr. Duncomb has sold his estate there, is now in England and designs to return no more ; Mr. Willet has refus'd serving, and has not for 18 months past appeared in Council. *Signed*, Arch. Hutcheson. *Endorsed*, Recd. 11th, Read Aug. 17, 1702. *Addressed. Sealed.  $\frac{3}{4}$  p. Enclosed*,

822. i. List of Councillors for vacancies : Aug. 6, 1702.

*Signed*, Arch. Hutcheson. *For Antego* : Col. Henry Pearn, Lt.-Col. William Codrington (already added by Gov. Codrington), Major Henry Lyons, Major John Lyons (both of the Assembly), John Perry, Provost Marshall. *For Nevis* : Lt.-Col. Daniel Smith, Major Richard Abbot (already added by Gov. Codrington), John Horne, Master in Chancery, Thomas Minor, one of the Assembly, of whom I hear a good character. *For Montserrat* : Major John Daly, Capt. Joseph Little (both in the Assembly many years and served in all the expeditions in the late war in those parts), Capt. Crow. *For St. Xpher's* : Robert Cunningham, John Panton (both of the Assembly). *Addressed. 1 p.*

822. ii. Lists of Councils of Mountserrat, St. Christophers, Nevis, Antego. 2 pp. [C.O. 152, 4. Nos. 110, 110. i, ii.]

[Aug. 10.] 823. Gabriel Thomas to the Council of Trade and Plantations.

The Earl of Nottingham advised petitioner to apply himself to your Lordships. *Endorsed*, Recd. Aug. 10, Read Aug. 11, 1702.  $\frac{1}{2}$  p. *Enclosed*,

823. i. Gabriel Thomas to the Queen. Petitioner is well acquainted with the Provinces and Territories of Pennsylvania, and hath been a great promoter of the interest of both, and considering that Thou art wronged and encroached upon by Wm. Penn in reference to lands, quit-rents and other rights belonging to Thy Crown, which may be remedied by granting a Commission to run a line between the Province of Pennsylvania, and thy territories, which are called the County of Newcastle, and to receive the quit-rents with other rights appertaining unto Thee, and to take up for thy service what land lies vacant between Wm. Pen's bounds called the Province, and Thy territories, with a Post Office also for the Plantations on the Continent in America, which will be necessary and advantagious. *Prays for such a Commission. 1 p.*

823. ii. Gabriel Thomas to the Queen. The distressed case of thy poor subject, who hath spent his time and substance in the service of Wm. Penn, and set forth a book called the History of Pennsylvania, which proved to the Province's great advancement, by causing great numbers

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of people to go over. Penn hath declared that had he given the same encouragement to thy Territories, they would have brought to the Crown near 20,000*l.* per annum more than they do now; yet doth not only deny to pay Petitioner's wages, but countenanced Nathaniel Puckle and John Haddon unjustly to keep Petitioner's lands from him, because, as petitioner conceives, he hath appeared and is still ready to appear an evidence for the Crown against Penn.  $\frac{3}{4}$  p.

823. iii. The case of Gabriel Thomas. He is dampnified above 1,000*l.* for appearing with Col. Quary at the Council of Trade on the Crown's behalf against Wm. Penn, for whch. the said Governor doth not only withhold his right in lands and money due to him, but also threatens to lay him in gaol during life, unless he will give under his hand that what he had declared to Col. Quary and was to give in evidence was false; but if Thomas would comply, then Penn would pay his debts. Thomas not having money to withstand the effect of Penn's threats, nor to sue for his rights, did petition the Queen for her charitable relief, to pay his debts and return to Pennsylvania, which he humbly hopes he shall obtain.  $\frac{1}{2}$  p. [C.O. 5, 1261. Nos. 140-143.]

Aug. 10. 824. Journal of Council of Trade and Plantations. Sir John Cook presented his answer to queries of July 14, which were read.

Mr. Vaughan, Mr. Partridge and Mr. Chamberlain attending as desired (Aug. 7), and being asked several questions relating to an Act of New Hampshire, passed there in Sept., 1701, for raising 550*l.*, Mr. Vaughan answered that he, not being Treasurer (Mr. Spenhallow [sic]. the Speaker, being now in that place), could give no account of the disposal of that money, though indeed some part of it was remitted to him, to bear his expenses as Agent. He believed an authentic copy of the Act might have been sent over for H.M. approbation, but was miscarried. And Mr. Partridge desiring a copy, it was ordered to be given him accordingly. They presented some Addresses to the King about the Woods, Mr. Allen, and the Quota.

Aug. 11. Letters from the President and Council of Barbadoes, May 19, read, and enclosed papers laid before the Board.

Order in Council, July 9, relating to appeals in Barbadoes, read. Their Lordships thought fit not to proceed in that matter till there should be a fuller Board (*there being only three present*).

Memorial from Mr. Usher read. Ordered that he be desired to draw up a full and particular memorial of all that he has to say in relation to that Province, that it may be communicated to Mr. Vaughan for his answer.

Letter to the Earl of Nottingham signed.

Letter from Lord Nottingham, Aug. 4, read.

Letter from Lord Nottingham, Aug. 7, read.

Petition of Gabriel Thomas read. Copies ordered to be sent to Mr. Penn for his answer.

1702.

Mr. Blathwayt acquainting the Board that H.M. has referred to H.R.H. the business of Theop. Turner, a pirate seized by Col. Blakiston in Maryland, 1699, ordered that copies of the papers in this office relating to him be sent to Mr. Burchet.

Aug. 12.

Mr. Blathwayt communicated from the Earl of Nottingham a list of persons proposed to be of the Council of New Jersey; and also Mr. Penn's Reply to Col. Quary's Answer to his complaint. Copy ordered to be taken, and directions given for preparing a letter, wherewith to return the original to Lord Nottingham.

Draught of a Bond to be entered into by Governors of Proprieties received with the Attorney General's opinion thereupon, and read.

Mr. Dockwra attending as desired, and being asked if he had anything to offer in relation to the Commission and Instructions to be prepared for the Lord Cornbury for the Government of the Jerseys, he said that he had now several objections to some of the persons whose names he and other Proprietors of East and West New Jersey presented to the Board, Dec. 5, last, as fit to be of the Council; and therefore prayed they might not all be approved, and promised to endeavour to get a meeting with Sir Tho. Lane and others in order to the forming a new list, wherein they might all agree, to be presented to the Board. [C.O. 391, 15. pp. 156-163; and 391, 96. Nos. 135-137.]

Aug. 11.  
Whitehall.

**825.** Council of Trade and Plantations to the Earl of Nottingham. In reply to letter of July 29, We do humbly conceive it will not be for H.M. service to appoint Counsellors for New York, till we have further information from Lord Cornbury, from whom we are in daily expectation of letters. *Signed*, Rob. Cecill, Wm. Blathwayt, Mat. Prior. 1 p. [C.O. 5, 1119. p. 201; and 5, 1084. No. 4.]

Aug. 11.  
Whitehall.

**826.** William Popple to Josias Burchett. Her Majesty in Council having been pleased to refer to his Royal Highness the business of Theophilus Turner, a pirate, and there being some papers in this Office relating to him, copies thereof are herewith transmitted to you. [C.O. 5, 726. p. 131.]

Aug. 11.

**827.** Draught of a Bond prepared by the Attorney General, to be entered into by Sir Nath. Johnson, Deputy Governor of Carolina. *Signed*, Edward Northey. *Endorsed*, Reed. Aug. 11, Read Aug. 12, 1702.  $2\frac{1}{4}$  pp. [C.O. 5, 1261. No. 146; and 5, 1290. pp. 165-168.]

[Aug. 11.]

**828.** Draught of a Bond to be entered into by Sir Nath. Johnson, Deputy Governor of Carolina, together with Mr. Attorney General's opinion upon it. *Signed*, Edward Northey. *Endorsed as preceding.*  $2\frac{1}{2}$  pp. [C.O. 5, 1261. No. 147.]

[Aug. 11.]

**829.** John Usher to the Council of Trade and Plantations. *Prays that* Major William Vaughan, now arrived as Agent for

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New Hampshire, may render an account of moneys raised there, and to what ends. *Signed*, John Usher. *Endorsed*, Reed. Read Aug. 11, 1702. 1 p. [C.O. 5, 862. No. 127; and 5, 910. pp. 239, 240.]

Aug. 11. **830.** Minutes of Council [*in Assembly*] of Barbados. Petition of Richard Brewster, Exor. of Robert Hazlewood and Guardian of Thomas Hazlewood; and Peter Mascoll and Ann his wife, Exors. of Clayborne Hazlewood, praying that a commission be directed to the Hon. Richard Elliott and William Adams and one more whom this Board shall think fit, to audit some accounts between them, granted. Joseph Browne was appointed in said Commission.

234*l.* 5*s.* 0*d.* paid to John Duke, for himself and 16 men, for guarding the magazine 253 days.

40*l.* 12*s.* 2*d.* paid to William Teague for serving as matrosse in Queen's Fort, Aug. 5, 1698—June 29, 1701.

54*l.* 16*s.* 8*d.* paid to John Adams for expenses in connection with the fortifications of Christ Church precincts.

Petition of Arthur Slingsby recommended to the Assembly.

Capt. Thomas Tuder, commander of the brigantine *George*, was granted a letter of marque. The President is hereby desired to grant letters of marque and commissions for privateers to such the Commanders of any ships as he shall think fit, till further orders.

Major Christopher Estwick was presented by the Assembly as duly elected, and took the oaths and signed the Test. [C.O. 31, 6. pp. 247–249.]

Aug. 11. **831.** Journal of Assembly of Barbados. It was decided that Major Estwick was duly elected. *See preceding abstract.*

Aug. 12. There not being a quorum, the absent Members were fined, and the House adjourned. [C.O. 31, 6. pp. 474, 475.]

Aug. 11. **832.** Minutes of Council in Assembly of Jamaica. Five Members of Assembly sworn. The House attending, addressed H.E., thanking him for his speech and proposing a Conference of the two Houses to Address H.M. "We have resolved to raise money for the discharge of the Public Debts and for the defence of the Island." Propose a Conference of the two Houses to consider the best ways and means for providing for the officers and soldiers. Committees appointed accordingly. Ordered that the Committee of Ways and Means recommend the buying of Sir James del Castillo's house to be considered by the Assembly, or that such care be taken otherwise as that Sir James may not be too much dampnified in his interest.

Aug. 12. Address to H.M. approved of.

Col. Lowe granted leave of absence.

Aug. 13. Another meeting of the Joint Committee of ways and means ordered. [C.O. 140, 6. pp. 398–401.]

[Aug. 12.] **833.** William Penn's Reply to Col. Quary's answer to his Memorial. I shall wave the misapprehension and partiality of

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the Lords Commissioners of Trade and Plantations concerning me and the end of my being before this honourable Board, July 27, and shall consider Col. Quary's answer so far as it regards the Memorial delivered by me to the Duke of Somerset, then Lord President of the Council, in order to stop the said Quary, which was the reason of my appearance. (1) He admits that he is unacquainted with the Law of which he was a Judge. As to his recrimination, that our Judges at Common Law are as ignorant in their places, and had as differing educations, ignorance in a judge of one profession is no security or excuse for the ignorance of a judge of another. But there is this difference, 1st, our Laws are in English, few, short and plain ; 2nd, our Judges have been generally of a long time conversant in them, and according to the proverb, use makes perfectness ; 3rd, they have for many years had the advantage of Lawyers' pleadings, both upon their by-laws and the laws of England ; 4th, they judge by the verdict of juries, and of their own heads, as well as upon the opinion of men conversant in the Law ; lastly, that in twenty years time there has not come over one appeal against their judgments, notwithstanding we are in our infancy, and have more occasion of controversy than Governments more grown to a settlement. Whereas the Civil Law is not so frequently in use and generally known to English men, being mostly in the Latin tongue, insomuch that the Commission was hardly translated between the Minister and the Advocate, *cum aliis* ; that gentleman has not the advantage of one of that profession to advise with or be his assistant ; and all the property of the inhabitants going and coming in trade, which is the greatest part of the whole, is pretended by him to be subject to his single skill and determination, without the ancient and laudable practice of juries, one of the corner-stones of our English constitution. My second complaint is that he extends his Commission beyond bounds. This he calls trifling, and doubts not but his actions are warranted by his Commission. But he cannot be warranted in overruling points long ago settled by the most learned of the Judges of England, in justice as well as favour to the Common Law, viz., that the respective Counties of the Government have no power upon the waters, tho' they lie along the shoar and up the freshes, no, not in the narrows of the rivers where ports are settled, nor yet in their creeks or coves ; but makes it a matter of information against me here at home, as an entire subversion of the jurisdiction of the Admiralty, and an absolute *supersedeas* upon the powers of his Commission, for me to authorize the Sheriff or any officer to act upon the water, tho' it be *infra corpus comitatus*, which misapprehension of his power, as it has given great uneasiness and discouragement to the inhabitants, and is thought by them both an unhappiness and insecurity, so it shews the necessity of one better versed to be employed in that business, if the Queen would be effectually and securely served, without injury to her people. My third complaint is also acknowledged, that he was the greatest merchant in the Province. And if some of the Lords of Trade knew it not before, sure

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Commissioner Blaithwait could not think it a fault, that was so ready to extenuate and justify it the last time before this Board. 'Tis true Col. Quary says he has not had a cargo sent to that place for some years. But the reason given by him, under his favour, is more artful than true, vizt., because of the unlawful trade with Cureso for European goods, implying that European goods were therefore sold in Pennsylvania at easier rates than he could vend English ones for the Company's profit, whereas I am ready to prove that English goods were sold by merchants all the while at the usual advance, which I humbly conceive is a proof undeniable against him. But that excuse serves to abuse the Lords of Trade, as well as the Province, and at the same time recommend himself as a man careful of trade, though not of what he says about it. But he promises to trade no more, only to get in the debts he has contracted. The true reason is, the Company is out of their money; and he made such haste to obey somebody's summons to come hither against my Government, that he left all their effects behind him. But they will be obliged to him, if in seven years he gets 'em in, and that without more credit or goods to oyl the wheels; however, his excuse and promise to do so no more, shews the complaint just, and such as suffered it all this while to have had less regard to the public there and here, than suited with their trust. But to be sure, I ought not to be so ill used for giving a hint so useful to the Crown. For saying our Judges are merchants is not to the purpose, unless they had the jurisdiction of trade, which is denied them. But I know not that they are such; Judge Guest, Shippen, Clerk and Pusey were not so when I left them. Besides, there's a vast difference between selling on one's own growth, or what is received for debts due, and a steady and full trade, as well foreign as domestick, which was his case. (4) As to any unfairness of appraisements and marketting of overplusses, if Col. Quary has given a fair account, both of appraisements and sales, I have done. But I humbly conceive it can be no fault in me to ask, since that he has not accounted fairly with the Commissioners of the Customs about Lumby's cargo, no, not by 50 per cent., if the account be compared with the last appraisement, commanded by the High Court of Admiralty in England, and yet the appraisers would have thought it a favour to have had the goods at the rate they valued them. I will not call that management a piracy upon the Crown, or the subject, but I own to me it had an air of oppression, if not of robbery. But I believe the Lords of the Council will be of that opinion, whenever they will suffer the history of that affair to be laid before them by those Gentlemen that have been the unhappy sufferers by it; so miserable are the Queen's poor industrious subjects in Pennsylvania under such officers. And for that reason they and I beg to be delivered from 'em; unless a Colony, and they that made it, are of less importance to the Crown, than an insolent and vexatious, as well as uncapable officer; since men of as much honour, skill and temper every day wait for, as well as need and deserve, suc' imployments. *Signed, Wm. Penn. Endorsed,*

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Recd. Read Aug. 12, 1702. *Copy.* 6½ pp. [C.O. 5, 1261. No. 145; and 5, 1290. pp. 157-165; and 5, 1233. No. 39.]

Aug. 12.  
Whitehall.

**834.** Earl of Nottingham to the Council of Trade and Plantations. Col. Jeremiah Basse and Daniell Cox, Esq., having been recommended to Her Majesty as persons fit to be Members both of the Council of New York and New Jersey, I am directed to transmit their names to you, that they may be inserted in the several Instructions preparing for the Lord Viscount Cornbury, if you have no objection against them. *Signed,* Nottingham. *Endorsed,* Recd. Read Aug. 21, 1702. 1 p. [C.O. 5, 1047. No. 64; and 5, 994A. p. 41; and 5, 1119. p. 202.]

Aug. 12.

**835.** Memorandum of above letter. ¼ p. *Endorsed,* Recd. Read Aug. 21, 1702. [C.O. 5, 970. No. 6.]

Aug. 13.

**836.** Council of Trade and Plantations to the Earl of Nottingham. We have received your Lordship's letter for the putting Mr. Chamberlain into the Council of Barbadoes. There is a standing Order by which the number of Councillors is restrained to twelve, which number is at present complete. Besides that, we have before us a list of persons recommended to us to fill up vacancies by the late Governor there, pursuant to Instructions in that behalf. However, we are ready to pursue such further directions as we may receive from your Lordship. *Signed,* Robt. Cecill, Wm. Blathwayt, John Pollexfen, Mat. Prior. 1 p. [C.O. 28, 38. No. 2; and 29, 8. p. 146.]

Aug. 13.  
Whitehall.

**837.** Journal of Council of Trade and Plantations. Letter to the Earl of Nottingham signed.

Dr. Woodroff, Mr. Pointz and Mr. Stringer acquainted the Board that having received a letter from Baron Bloomberg signifying that he had nothing to object against the despatch of a report upon their petition relating to Tobago, and desiring their Lordships to take the same into consideration, they were acquainted that, if they would provide the foresaid letter from Baron Bloomberg, the Board would take a time to consider their said petition.

Order of Council, Aug. 6, relating to the 4½ per cent. read. And after consulting with Mr. Cary and Mr. Jory, Agents for Antego and Nevis, their Lordships agreed that half of the Ordnance, Stores of War, etc., mentioned in the estimate of the Board of Ordnance might be fit proportion for the Leeward Islands, and ordered that a letter to the Board of Ordnance be prepared accordingly, and that Mr. Bridges, Agent for Barbadoes, be again desired to attend.

Letter from Mr. Ward, Nevis, June 5, read.

Aug. 14.

Their Lordships taking into consideration that the several Acts of Parliament relating to Trade and the Plantations are out of print, and not to be had, and that it is necessary from time to time to send some of them to the Plantations, ordered that a letter be writ to Mr. Lowndes to desire him to move the Lord

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High Treasurer that he would please to give directions to H.M. Printer to print and deliver to this Board 100 of each of the said Acts.

Mr. Johnson desiring when he might attend to give security for Sir Nathaniel Johnson, was directed to call on Wednesday. Letter to Mr. Lowndes ordered.

Letter from Mr. Champante, Aug. 14, read. Letter to Sir Robert Cotton, Post Master General, ordered to be writ, to desire him to enquire into that matter.

Upon intimation that Lord Nottingham desired to know what Col. Codrington had writ to this Board relating to Mr. Carpenter, Secretary of the Leeward Islands, ordered that an abstract of letter of May 10 be sent. [C.O. 391, 15. pp. 164-178; and 391, 96. Nos. 138, 139.]

Aug. 13.

**838.** Minutes of Council of the Massachusetts Bay.

Wait Winthrop, took the oaths, etc., as a Councillor and J.P.

Reply from M. Brouillan, Governor of Port Royal, to the letter from the Board last Spring, read.

H.E. proposed the erecting of another Trading-house for the supplying of the Indians, to be set further eastward on Kennebeck River, as a thing desired by them by reason of the difficulty of their coming over the Bay in the winter. The Council exprest their opinion that it was necessary the General Assembly should be consulted therein, and provide for supporting the charge thereof.

Payments made as resolved by the Assembly in May.

H.E. nominated Barnabas Lothrop, Judge of Probate, and Capt. William Bassett, Register of Wills, within the County of Barnstable; John Pynchon, Judge of Probate, Samuel Partridge, Register of Wills, County of Hampshire. The Council gave their consent. H.E. also nominated Nathaniel Thomas to be Judge of Probate in the County of Plymouth, and Joseph Hammond, Judge of Probate, and Charles Frost, Register of Wills, County of York. The Council consented to the appointment of Hammond, but desired time to consider the nomination of Frost and Thomas.

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The Council consented to their appointment.

H.E. nominated John Hathorne to be Justice of the Superior Court, and Penn Townsend to be Justice of the Inferior Court of Common Pleas in the County of Suffolk. The Council desired time to consider these nominations.

8l. 7s. paid to John Swarton, Interpreter to the Indians, for service on board the *Province* galley, May 18-Aug. 5.

Ordered that a barrel of the public store of gunpowder be supplied to the inhabitants of the Isles of Shoales for their defence.

Aug. 15.

The Council consented to the nominations of Hathorne and Townsend (Aug. 14). They took the oaths appointed.

H.E. nominated Thomas Swift of Milton to be a justice for the rule and government of the Indians of Puncapoag. The Council consented. [C.O. 5, 788. pp. 187-191.]

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Aug. 14.

**839.** J. Champante to [? William Popple]. This day five weeks there came several letters up to town to Col. Lodowick and others, speeded from Bristol by Tienhoven, the Master of a New York ship just come in there, some of those letters mentioned others to me on account of Bills of Exchange consigned to me, but receiving none such I imagined some Passenger might have the particular care of my packets, which made me defer some time the making any inquiry about them, but being disappointed in that I went down to Bristol to engage a friend of mine to discourse the said Master about it. The Master, as I have advice from thence, affirms that he had a packet containing 12 or 14 letters, for he saw it made up, and directed to me as Agent of the Province, recommended very earnestly to his care, that being sensible of the obligation he was under, he had delivered it in with his own hands into the Post-house at Bristol, and had writ upon it, speeded by your humble servant Tienhoven. Upon this I addressed myself to Mr. Frowd, the Controller of the General Post-house here, who has made all the inquiry imaginable among the proper officers, but without any success; the Secretary too has writ down to the Postmaster there to have an account of him whether the Master of the Ship delivered any letters to him with any particular recommendation. He has returned for answer that the Master did deliver some letters to him in a bag, but without any particular recommendation, and that all those letters he had dispatcht up to town.

This as lame an acct. as it is, is the best I can give. I should be very glad if their Lopps.' authority could discover where the foul play lyes, wch. is like to be so fatall to so many poor absent Gentlemen, who had no doubt in this packet, and perhaps in some others, endeavoured to justify themselves against the accusations, wch. are carried on against them here with so much bitterness and malice. It is easy to guess wherefore the packet has been intercepted, tho' not by whom, tho' the old rule of *cui bono* may be a good direction for the conjecture, but I humbly hope that because of this sad accident, wch. shall have all the proof their Lordships shall be pleased to desire, their Lopps. will have the goodness to interpose, and to prevent, if possible, that any of the unhappy Gentlemen so unfairly dealt with should anyways suffer in their employmts. or otherwise, till their Enemies, for this packett must be wth. some of them, will let them have ye opportunity of being heard by their friends here in their justification. *Signed*, J. Champante. *Endorsed*, Recd. Read Aug. 14, 1702. [C.O. 5, 1047. No. 65.]

Aug. 14. Bermuda.

**840.** Lt.-Governor Bennett to the Council of Trade and Plantations. *Refers to letters of May 26 and July 4.* I am still without instructions relating to the proclaiming H.M. and the war. Letters from Jamaica, July 4, say there had been then no act of hostility committed on either side, and that Col. Brewer and several of his officers was dead. By letters of July 16 from the same place, I am inform'd that the news of the wars came thither on the 11th, and that several prizes have been since

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brought in by our cruizers. Admiral Benbow sailed on July 12 on some expedition unknown. A prisoner that made his escape from the Havanna to Jamaica reports that Monsr. Chauternault is there with 15 sail of men of war, and that he lost one going in there, and that eight sail (besides the 15) were sent to L'avore de Cruce [? *Vera Cruz*] ; and that his men are very sickly, which was the reason no cruizers were out.

I think it my duty, both in respect to your Lordships and my own justification, to acquaint you that a letter has lately come hither from one Mr. Roger Crane, an inhabitant of Bristol (he was some time since Sheriff here) to Col. Day, wherein he affirms your Lordships highly resent my ill-treatment to that gentleman. If this be true, and your Lordships are angry with me, then Mr. Crane is not to blame ; but if not (with submission) for anyone to presume to make use of your Lordships' names as he thinks fit, may prove of much worse consequence than (as it has) making me uneasy in my Government.

I do not pretend I saw this letter, but amongst several others that has, Col. Day show'd it to one Mr. Larkin, who told me he read the same expression. My Lords, I cannot be apprehensive that I suffer in your Lordships' opinion, for in everything relating to that gentleman, I have acted with all the caution and tenderness for his service as I could answer to myself in reason and justice, and had I not preserved him by punishing the people's insolences, I am satisfied their resentments and malice would have proceeded to violence. Therefore, if he has represented me unkind, I desire and hope your Lordships will let me know wherein, before I am concluded guilty. *Signed*, Ben. Bennett. *Endorsed*, Recd. Read Oct. 16, 1702. 3 pp. [C.O. 37, 4. No. 1 ; and 38, 5. pp. 256-258.]

Aug. 14. **841.** Duplicate of preceding. 2 $\frac{3}{4}$  pp. [C.O. 37, 4. No. 2.]

Aug. 14. **842.** William Popple, jr., to Richard Warr. The Earl of Nottingham having desired of the Lords Commissioners for Trade and Plantations an account of what they had recd. from Col. Codrington relating to Mr. Carpenter, they send the enclosed abstract. *Annexed*,

842. i. Abstract referred to in preceding. [C.O. 153, 8. pp. 1-3.]

Aug. 14. **843.** Copy of Sir Bevill Granville's Commission, from George Prince of Denmark, Lord High Admiral, to be Vice-Admiral of Barbados. *Signed*, Orlando Gee, Register. *Endorsed*, Recd. Read Sept. 4. 1702. *Latin*. 11 $\frac{1}{2}$  pp. [C.O. 28, 6. No. 77.]

Aug. 14. **844.** English version of preceding. 8 $\frac{1}{2}$  pp. [C.O. 28, 6. No. 78; and 29, 8. pp. 209-217.]

Aug. 14. **845.** Minutes of Council in Assembly of Jamaica. Upon enquiry from the Assembly, a message was sent down that the Council had concurred with the Address to H.M., and were ready to join in presenting it to H.E. to desire his recommending the

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same to H.M. The Council and Assembly then presented the Address congratulating H.M. accession :—The general satisfaction your Majesty has given by your gracious declaration to your subjects at home, and by your princely resolutions to your allies abroad, gives us your remote subjects, full assurance of your Majesty's goodness and protection, and hath removed our sorrows for the death of our late Sovereign, whose peculiar care in these parts we always seemed to be, by the timely supplies of land forces and continuance of ships of war. According to our capacities and stations, we shall support your Crown and dignity against all opposers, etc.

Aug. 15.

Joint Conference appointed to consider the present state of the Island. Ordered that the following heads be proposed to be considered of by the Assembly :—That we are in the midst and to Leeward of the two Nations, our declared enemies, who can take all opportunities to invade and make continual descents upon us ; that our debts are such a discredit to us, none will trust us ; that without moneys it's impossible to provide for our defence ; that it's fatal to think to go beyond the time where a scruple has arisen about the validity of making the laws ; that except the Laws be made, all the Government must run into confusion : and therefore we must work day and night to finish them before Sunday next ; and whatever assistance we can give, we will.

The Committee of the House assured the Committee of the Board that the Assembly was unanimous in going with all explication to expedite the Acts most necessary, particularly a Bill for quartering the soldiers, a money Bill and a Party Bill, and had laid all other business aside at present, to go upon those only, and did not doubt but they would be ready to be brought in to-morrow or next day in the morning. [C.O. 140, 6. pp. 400-404.]

Aug. 14.  
Royal College  
of William  
and Mary.

**846.** Minutes of Council of Virginia. H.E. laid before the Council a Letter from the Council of Trade, April 13, 1702, concerning the Seal of the Colony, and a letter from the Earl of Manchester notifying his being one of H.M. Principal Secretaries of State.

Letter from Governor Lord Cornbury desiring H.E. to issue a proclamation for the arrest of Thomas Weaver read. H.E. informed the Council that Weaver had submitted himself to Lord Cornbury.

H.E. laid before the Council a letter from Col. Joseph Dudley, signifying his arrival in his Government, and papers relating to the fleet lately sailed from this Colony.

H.E. communicated the advices he had received from Pennsylvania and New York of the Declaration of War. He was daily in expectation of receiving his own pacquets, and, having such certain advice of the war, had thought it necessary to [e]all the Assembly.

H.E. communicated to the Council a Representation from a Committee for Revisal of the Laws, signifying that the Committee being very thin, and the Assembly being so nigh, they did not

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think fit to make any further progress in the Revisal at that time. H.E. intended now to speak to the House of Burgesses concerning the Revisal; because if they should proceed on that, then most of those things he had formerly recommended to them would come in course to be considered; but if they did not think fit to enter upon the Revisal this Session, he would then recommend to them the despatch of such matters as were immediately necessary for H.M. and the Country's service.

Letters of excuse from several members for non-attendance read.

Petition of James Bushell, Minister of the parishes of Weynoake, and Martin Brandon, for the payment of his salary, as agreed upon, read and referred to a Committee.

Mr. Auditor Byrd's accounts referred till he comes to town.

Petition of Wm. Clerke, etc. of the *Abraham* of Bristol lately sunk at Point Comfort, praying that the rigging and stores saved may be condemned in the Court of Admiralty for the payment of their wages, referred to Mr. Benjamin Harrison for his opinion.

William Randolph, jr., appointed Clerk of the House of Burgesses, during his father's illness.

Aug. 15.

He took the oaths, etc. appointed.

Andrew Patteson was admitted Pilot, upon a certificate from the Court of Elizabeth City County. [C.O. 5, 1409. pp. 247-250.]

Aug. 14.

**847.** Minutes of Council in Assembly of Virginia. The Assembly attending. H.E. addressed them:—Upon the news of the Declaration of War, I don't doubt but you will readily and heartily join with me and H.M. Council in defending H.M. most ancient and great Colony and Dominion of Virginia, and in our prayers for H.M. entire victory.

*And see preceding abstract.*

Aug. 15.

*See preceding abstract.* [C.O. 5, 1409. pp. 633, 634.]

Aug. 14.

**848.** Journal of House of Burgesses of Virginia. *See preceding abstract.*

Letters from William Randolph (Clerk of the House) to the Speaker and H.E. read. *And see Minutes of Council.* [C.O. 5, 1408. pp. 445, 446.]

Aug. 16.  
Windsor.

**849.** Earl of Nottingham to the Council of Trade and Plantations. Enclosing, for their opinion, the following Memorial, and an extract of a letter from Bermuda. *Signed*, Nottingham. *Enclosed*,

849. i. Memorial presented by the Venetian Ambassador. In view of the interruptions to trade occasioned by the last war, makes proposals for allowing the Passports of the Venetian Republic during the present war. *Copy. Italian.* 24 pp. [C.O. 412, 548. pp. 455-457; and 389, 17. pp. 418-420.]

Aug. 17.  
Whitehall.

**850.** William Popple, jr., to Mr. Lownds. Mr. Johnson, Sir Nathaniel's son, having offered himself with Thomas Cary to be sureties for him in 2,000*l.*, the Lords Commissioners for

1702.

Tradé and Plantations send you the enclosed draught of a bond, approved by Mr. Attorney General, for the Lord High Treasurer's directions that the same be taken at the Exchequer or elsewhere, as his Lordship shall think fit, it being a matter chiefly relating to H.M. Revenue. [C.O. 5, 1290. pp. 169, 170.]

Aug. 17.  
Whitehall.

**851.** William Popple, Junior, to William Lowndes. It being requisite to dispatch with the new Commissions and Instructions of Governors the several Acts of Parliament referred to, which are now out of print, the Council of Trade and Plantations desire you to move the Lord High Treasurer to have them reprinted and to deliver to them 100 each. *List annexed.* [C.O. 324, 8. pp. 178, 179.]

Aug. 17.

**852.** Council of Trade and Plantations to the Board of Ordnance. H.M. having been pleased to order a sum not exceeding 2,000*l.* towards making good the demands of the Governor of the Leeward Islands, we enclose an estimate of Ordnance necessary to be sent immediately to the Leeward Islands, "The Lord High Treasurer having taken care that the value of the said stores, freight and other incidents to be made good to the Office of the Ordnance." *Signed,* Dartmouth, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed,*

852. i. Estimate referred to above, amounting to 1,999*l.* 18*s.* 9*½d.*  
[C.O. 153, 8. pp. 3-7.]

Aug. 17.  
General  
Post Office.

**853.** Sir Robert Cotton to [? William Popple]. I recd. yours of the 15th, relating to the miscarriage of a pacquet containing several letters from New York directed to Mr. Champanti, about which matter having had a complaint some time before the receipt of yours, I particularly made examination into the same at this office, and do find that not any of the Clerks of this office have observed any such pacquet, nor had any of the Letter carriers such a one delivered to their charge, which they must have had, if it had come to this office. I herewith send you the Postmaster of Bristol's answer to our Letter upon this occasion; I very much wonder that the Captain who brought the same, and who had, as I am informed a considerable sum of money offerred him to redeliver this parcel to the person who first intrusted it with him, should not upon his putting in a pacquett of that consequence into the Post Office at Bristol give some particular charge about the same. Our Deputy there is a very careful man, a person of substance and repute, who would, we doubt not, have forwarded the same, if it had come to his hands. Upon the whole I am apt to suspect it never was put into the office there. Please to communicate this to the Lords Commissioners of Trade. *Signed,* R. Cotton, *Endorsed,* Recd. Aug. 18, Read Sept. 3, 1702. 1 *p.* *Enclosed,*

853. i. Henry Pyne to Sir Robert Cotton and Sir Tho. Frankland, H.M. Post Masters General, at the General Post Office. Aug. 8, Bristol. *Refers to an enquiry*

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as to a pacquet for Mr. Champante from New York.  
"I do not remember in the least of any such pacquet."

*Signed*, Hen. Pyne. *Addressed*. 1 p.

853. ii. Henry Pyne to the Post Masters General. Aug. 8, Bristol. Enclosing copy of receipt given by him to Nico. Thehoven [*Tienhoven above*], the Master of a vessel from New York, for 142 letters and pacquets, July 8, 1702. *Signed*, Hen. Pyne. *P.S.* At past 10 at night here arrived the *Moses* brigantine of and for London, Saml. Lowder Master, was forced up here by a French Privateer. *Addressed*.  $\frac{3}{4}$  p. [C.O. 5, 1047. Nos. 66, 66.i., ii.]

Aug. 17. 854. Journal of Council of Trade and Plantations. Whitehall. Capt. Haskett attending acquainted the Board that Mr. Doggett, Secretary of the Bahamas, with some others being lately arrived, he could now make proof of what he had alledged. Doget, being called, said that the occasion of the People's seizing Capt. Hasket was his prosecuting some of the principal of them for illegal trade and other crimes; that he himself was seized by them, but escaped with Capt. Hasket's wife to Carolina, from whence he came last, and promised to bring a full Memorial of the disorders of that Government.

Letter to the Board of Ordnance signed.

Letter from Mr. Hutchinson, with the names of proposed Councillors for the Leeward Islands, read, and thereupon ordered that John Horn and Thomas Minor be added to the Council of Nevis; Henry Lions and John Lyons to the Council of Antego; John Dayly, Joseph Little and — Crow to the Council of Mountserrat; and Robert Cunningham and John Panton to the Council of St. Christopher's.

Aug. 18. Letter from the Earl of Nottingham, Aug. 16, read. Letter in answer, signed.

Sir Wm. Beeston, late Governor of Jamaica, attending, and being asked several questions relating to that Island, particularly about the Act passed by the Duke of Albemarl for settling the Revenue, he said that the two last Assemblies were very averse to the passing an equivalent to that Act, and that he believed all that they could be brought to do, would be to pass Acts for settling the Revenue from year to year; whereupon ordered that an Instruction relating to that matter be given to the next Governor.

Letter to the Earl of Nottingham, returning Mr. Penn's reply, signed.

Representation wherewith to lay before H.M. Sir Bevil Granville's Instructions, signed.

Representation wherewith to lay before H.M. the draft of a Commission for the Lord Cornbury to be Governor of New Jersey, signed.

Representation to lay before H.M. the draught of Instructions for Col. Codrington, Governor of the Leeward Islands, signed.

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Mr. Docmenique, attending, desired that there might be no alteration in the twelve persons proposed by him and the rest of the Proprietors of East and West New Jersey, Dec. 5, to be of the Council; whereupon their Lordships agreed to insert the names of those twelve persons, and also of Col. Quary, in the Lord Cornbury's Instructions.

Sir Bevil Granville attending, the Order of Council, relating to the disposal of 5,500*l.* arising by the duty of 4*1*/*2* per cent. towards the defence of the Charibbé Islands, was communicated to him, and he promised to bring to-morrow his opinion of what he thought necessary for the present.

Order of Council, Aug. 6, relating to Stores of War to be sent to Virginia was read, and a copy ordered to be kept, and directions given for preparing a letter to the Board of Ordnance.

Aug. 19. Letter to the Board of Ordnance, signed.

Order of Council, Aug. 6, relating to the petition for the defence of Barbadoes, read. Representation thereupon ordered.

Mr. Dummer acquainted the Board that, having attended the Earl of Nottingham in relation to his proposal for settling a course of correspondence with the Island Plantations, he had offered that his boats should go to Barbadoes and the Leeward Islands, and from thence home by the way of Jamaica, and that without going to Jamaica he could not undertake the service, and therefore desired, if that was not approved, to be discharged from the proposal he had made; but if H.M. would be pleased to hire his boats, and be at the expense of wear and tear, and pay the men's wages, etc., he would agree to it that way, and then the boats might be sent as should be thought fit. But their Lordships desiring him to consider it further, a copy of their letter to Lord Nottingham, June 22, was delivered to him, and he promised to bring his answer on Friday.

Letter to the Earl of Nottingham, signed. [C.O. 391, 15. pp. 178-186; and 391, 96. Nos. 140-142.]

Aug. 17. 855. Minutes of Council of Virginia. H.E. communicated to the Council a Speech which he intended to make to the Burgesses.

Petition of James [*sic, ? Jane*] Chadelor, wife of William Chadelor of Westmoreland County, committed to prison on suspicion of drowning his man-servant, referred.

Mr. Harrison gave his opinion that Wm. Clerk, etc. [see Aug. 15], ought to take the ordinary process in the Court of Admiralty for their relief.

Aug. 18. Upon the petition of Mrs. Chadelor [*above*] ordered that William Chadelor be given a copy of the Coroner's Inquest when demanded, but not of the depositions given against him.

Mr. Commissary Blair said that pursuant to the Order of July 15, he had written to M. de Joux, the French Minister at the Manakin Town, and also made enquiry of several other persons there, whether he doth conform the Liturgy of the Church of England, which by letter he doth positively affirm that he doth.

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Capt. James Moodie, H.M.S. *Southampton*, announcing that H.M.S. *Centurion* was arrived from New England, the Council advised that it was not necessary to detain the latter to convoy merchant ships, there being very few in the country, and those not ready to sail. [C.O. 5, 1409. pp. 250-252.]

Aug. 17. 856. Minutes of Council in Assembly of Virginia. Message from the Burgesses sent up that it is not convenient to proceed upon any Revisal of the Laws at this time.

*And see preceding abstract.*

Aug. 18. Petition of Thomas Pate for the sole privilege of keeping a ferry at York Town, and a similar petition of Mungo Sommervell, read and referred to the House of Burgesses.

Proposition of some inhabitants of James City County, with regard to the division of that County and Charles City County, read and referred to the Burgesses.

Petition of Benjamin Lillingston read and referred to the Burgesses.

The House of Burgesses being summoned, H.E. addressed them:—Considering that all Europe are at vast expense to raise forces to secure their frontiers, I hope in God H.M. subjects of Virginia will thank the Almighty that they have not been put to more expense and trouble. I do in H.M. name thank you for your loyal and dutiful Address, which I have sent to the Council of Trade to be presented to H.M. *Refers to the solemnity of the Proclamation, etc.* I do most earnestly recommend to you the putting Virginia in the best posture of defence you possibly can, and herewith give Mr. Speaker some proposals wh. myself and the Council have formerly laid before your House. It was then time of peace, and I should be glad to know whether you are of the same opinion now in time of war. I will lay lists of the Militia, etc., and some proposals concerning the Militia before you. I recommend either the renewing the Ordinance for securing the country or something of the like nature. I thank God that there has been no occasion of making use of it, and you may be assured that no such power shall ever be made use of by me but upon absolute necessity, and that no cost nor pains shall be spared by me nor the venturing my life for the preserving this H.M. Colony and Dominion in peace and quietness etc. For [Virginia], since I had the honour and happiness of knowing it, I have had a very particular love and esteem.

You have referred the proposal of myself and Council for the more convenient transporting forces over Rivers and Creeks. I hope you will now take some effectual care about it, as likewise for settling how public letters, etc. shall be safely and speedily conveyed, as also the settling of the Ferries in the country. I have for some time found very great inconveniency for the want of those two things. You likewise referred the proposal for an Act for preventing the publication of false news, which now in time of war may be of very dangerous consequence, so I hope you will do something in this affair. Great complaints are made to me by the Captains of H.M. men of war, as likewise by a great many

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Captains of merchant ships, that their seamen were entertained and harboured on shore unto their great loss and damage, and that several run away, and when they have gotten hue and crys after them, they signified little or nothing. I earnestly recommend to you that those things be prevented by a Law, for without seamen ships are of little use, and all encouragement and care possible is taken in England about them. I should be glad to know your opinion whether it will be best to let the ships go singly, that are now in the Colony and shall arrive, or to detain them in hopes of some accidental convoy or till they be a fleet? I intend to send you some proposals concerning the Capitol, hoping in God that the next Assembly may meet there. I cordially recommend to you the laying the public levy, and hope you will have all the lists of the fittables this year, in order to do it most equitably. I having received no orders from England concerning the proposals of your allowing several things, I shall not now insist upon them; that we shall be all of one mind in having everybody's accounts concerning the public adjusted and paid this year what is justly due to them are my hopes, etc.

Aug. 19.

Charles Evans took the oaths appointed as Clerk of the Committee for Propositions and Grievances.

Message sent down to the Burgesses:—The building of the Capitol being so far advanced, it is proposed that a Committee be appointed to consider (1) the appropriating the rooms for the several offices, etc., and particularly that the House of Burgesses may choose whether they will sit in the Great Room below or above, so that the said rooms may be fitted up during this winter season; (2) whether it be convenient that this October General Court be kept at the Capitol, and if so, that directions may be given for fitting up rooms for holding the same, and for the Secretary's Office, and that boxes be provided for keeping the Records belonging to the several offices, so as they may be removed with ease in case of fire; who shall take care of removing the said Records and placing them in the respective places allowed for them, and when the same shall be done; (3) that the bounds of the Capitol be laid out pursuant to the Act, and that it be considered whether it will not be necessary that the building be paled or railed in or inclosed by a brick wall at a convenient distance; and that directions may also be given concerning the bounds and rules of the prison.  
[C.O. 5, 1409. pp. 635–640.]

Aug. 17.

**857.** Journal of House of Burgesses of Virginia. Upon the petition of Robert Beverley several proceedings at Elizabeth City County Court in two suits wherein he is voucher were declared void, and ordered that no further proceedings be made in any such suit till he be out of his privilege as a Burgess.

Standing Orders passed, and Committees of Public Claims, Privileges and Elections, and Propositions and Grievances, appointed. All propositions, grievances and claims to be brought into the House by Aug. 20. Matters not dealt with in the two last Sessions ordered to be considered by the Committees.

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*And see preceding abstract.*Aug. 18. *See preceding abstract.* H.E.'s Speech considered.

Grievances of inhabitants of Charles City County against the division of the County rejected, not being attested as the Law directs.

Other grievances referred to Committee.

Aug. 19. Several Public Claims were referred to the Committee.

*See preceding abstract.* H.E.'s message ordered to be taken into consideration to-morrow.

Accounts of Thomas Mountfort, late Sheriff of James City County, referred till next Session, on his petition.

Several petitions referred to the Committee of Claims.

Ordered that Mr. Treasurer Carter lay his accounts before the House. Committee appointed to inspect them. [C.O. 5, 1408. pp. 446-457.]

[Aug. 18.] **858.** Memorandum of extract of letter from Lt.-Gov. Bennet relating to convoys.  $\frac{1}{4}$  p. [C.O. 323, 3. No. 137.]Aug. 18. **859.** Council of Trade and Plantations to the Earl of Whitehall. *Acknowledge letter of Aug. 16.* It is requisite that the Venetian Ambassador produce a form of the passport referred to, for us to give our opinion. *Signed,* Dartmouth, Robt. Cecill, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 389, 17. p. 421.]Aug. 18. **860.** Council of Trade and Plantations to the Queen. Whitehall. Enclosing draught of a "Commission for the Rt. Hon. the Lord Cornbury to be Governor of your Majesty's Province of Nova Cæsaria or New Jersey, which is in substance the same as was agreed to by the Proprietors before their surrender of their pretended right to the Government of that country." *Signed,* Dartmouth, Cecill, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *Annexed,*

860. i. Draught of Commission of Lord Cornbury to be Governor of New Jersey. Whereas in the Government of that country . . . such miscarriages have happened that the country is fallen into disorder and confusion, which has accordingly been represented to our dearest brother the late King in several petitions, etc. signed by the General Proprietors and by great numbers of the inhabitants, and by means of that disorder the public peace and administration of Justice, whereby the properties of our subjects should be preserved there, is interrupted and violated, and the guard and defence of that country is totally neglected, that the same is in imminent danger of being lost from the Crown of England, and whereas the aforesaid Proprietors, being sensible that the said country cannot be secured by any other means than by our taking the Government under our immediate care, have made a formal surrender

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of their pretended right to the country, we therefore reposing especial trust and confidence in the prudence, courage and loyalty of you, out of our especial grace, certain knowledge and meer motion, have thought fit to constitute and appoint you to be our Captain General and Governor-in-Chief in and over Nova Cæsaria or New Jersey, viz., the divisions of East and West New Jersey.

The Commission follows the lines of those given *Cal. 1699*, No. 382, 1701, Nov. 26 etc. *Three Counsellors* to form a Quorum. [C.O. 5, 994A. pp. 22-40.]

Aug. 18. **861.** Council of Trade and Plantations to the Earl of Whitehall. **861.** Council of Trade and Plantations to the Earl of Nottingham. *In reply to letter* of Aug. 16. It is requisite the Venetian Ambassador produce a form of the passport *referred to*, upon which we shall be able to give our opinion, how far the same may consist with the Trade of England and the circumstances of the present war. *Signed*, Dartmouth, Rob. Cecill, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 412, 548. p. 458.]

Aug. 18. **862.** Council of Trade and Plantations to the Earl of Whitehall. **862.** Council of Trade and Plantations to the Earl of Nottingham. Having received from your Lordship Mr. Penn's reply to Col. Quary's answer to Mr. Penn's charge against the said Quary, we return the same, and pray your Lordship to peruse the two other papers enclosed, vizt., Mr. Penn's charge against Col. Quary and Col. Quary's answer. In May last we delivered to Mr. Penn the queries herein likewise enclosed, together with a letter which we sent to Mr. Penn in June, relating to his title to the soil and Government of the Three Lower Counties, and desired his answer, which having not yet been able to obtain from him, notwithstanding we have several times pressed him thereunto, and he has promised to comply therewith, we find ourselves obliged to beg your Lordship's assistance, that such an answer may be procured from Mr. Penn after so many months' expectation, it being of great importance for H.M. service in the Plantations, and without which we cannot finish a Representation we are preparing to lay before H.M. concerning the state of Philadelphia and the Three Lower Counties. *Signed*, Dartmouth, Robt. Cecill, Wm. Blathwayt, John Pollexfen, Mat. Prior.  $1\frac{1}{2}$  pp. [C.O. 5, 1233. No. 40; and 5, 1290. pp. 170 172.]

Aug. 18. **863.** Council of Trade and Plantations to the Queen. In Whitehall. **863.** Council of Trade and Plantations to the Queen. In obedience to your Majesty's commands, we have prepared the draught of Instructions for Sir Bevill Granville, Governor of Barbados, wherein, pursuant to your Majesty's Order of July 9, we have inserted such clauses as we humbly conceive will secure the liberty and property of your Majesty's subjects there, instead of the Act which your Majesty was pleased to disallow, entituled An Act for the securing the liberty of H.M. subjects. *Signed*, Dartmouth, Robt. Cecill, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *Annexed*,

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863. i. Draught of Instructions for Governor Sir Bevill Granville. The Instructions follow in general the lines of those given *Cal. 1701. No. 647. ii. and 1702, May 13.* *Variations and additions* :—Whereas diverse complaints have been made of great delays and undue proceedings in the Courts of Justice in Barbados, by which many of our good subjects have suffered much prejudice, and whereas upon occasion thereof particular directions were given by the late King, for the reformation of all irregularities of that kind, under his sign manual, March 16, 170<sup>0</sup>, and for the better observance of those directions ordered the same to be entered upon the Council Books of the said Island, and it being of the utmost importance to the welfare and happiness of our subjects that justice be everywhere speedily and duly administered, and that all disorders and undue practices in the administration thereof be effectually reformed and removed, our will and pleasure is, and we do hereby strictly charge and require you to be exactly observant of the foresaid directions not only by your own diligence in holding Courts of Chancery and Courts of Errors as oft as there may be occasion, and by due circumspection in the determinations you shall there make; but also by your constant care and watchfulness over the conduct of the Inferior Courts, and of all persons concerned therein, that so nothing be introduced or practised in the administration of Justice within our said Island, which may tend to or occasion delay, partiality or any other just ground of complaint; and you are forthwith upon your arrival there to make exact enquiry into the present state of these matters, and to give an account thereof, with your observations upon the same to us and to our Commissioners for Trade, as before directed, and the like account and observations afterwards, as you may judge it necessary for our service, and for the good of our Island under your Government from time to time. Whereas we are above all things desirous that all our subjects may enjoy their legal rights and properties, you are to take especial care, that if any person be committed for any criminal matters (unless for treason or felony plainly and specially expressed in the warrant of commitment) he have free liberty to petition by himself or otherwise the Chief Baron or anyone of the Judges of the Common Pleas for a writ of *Habeas Corpus*, which upon such application shall be granted and served on the Provost Marshall, Gaoler, or other Officers having the custody of such prisoner, or shall be left at the goal or place where the prisoner is confined. And the said Provost Marshall or other Officer shall within three days after such service (on the petitioner's paying the fees and charges, and giving security that he will not escape by the way) make return

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of the writ and prisoner before the Judge who granted out the said writ, and there certifie the true cause of the imprisonment, and the said Judge shall discharge such prisoner, taking his recognizance and securities for his appearance at the Court where the offence is cognizable, and certifie the said writ and recognizance unto the Court, unless such offences appear to the said Judge not bailable by the Law of England. And in case the said Judge shall refuse to grant a writ of *Habeas Corpus*, on view of the copy of commitment or upon oath made of such copy having been denied the prisoner or any person requiring the same in his behalf, or shall delay to discharge the prisoner after the granting of such writ, the said Baron or Judge shall incur the forfeiture of his place. You are likewise to declare our pleasure that in case the Provost Marshall or other Officer shall imprison any person above twelve hours, except by a mittimus setting forth the cause thereof, he be removed from his office. And upon the application of any person wrongfully committed, the Judge shall issue his warrant to the Provost Marshall or other Officer to bring the prisoner before him, who shall be discharged without bail or paying fees. And the Provost Marshall or other Officer refusing obedience to such warrant, shall be thereupon removed, and if the said Judge denies his warrant, he shall likewise incur the forfeiture of his place. You shall give directions that no prisoner, being set at large by an *Habeas Corpus*, be recommitted for the same offence, but by the Court where he is bound to appear. And if any Baron, Judge, Provost Marshall or other Officer, contrary hereunto, shall recommit such person so bailed or delivered, you are to remove him from his place; and if the Provost Marshall, or other Officer having the custody of the prisoner, neglects to return the *Habeas Corpus*, or refuses a copy of the Commitment within six hours after demand made by the prisoner, or any other in his behalf, he shall likewise incur the forfeiture of his place.

And for the better prevention of long imprisonments, you are to appoint two Courts of Oyer and Terminus to be held yearly, viz., on the 2nd Tuesday in December and the 2nd Tuesday in June, the charge whereof to be paid by the Publick Treasury of our said Island, not exceeding 100*l.* each session. You are to take care that all prisoners in cases of treason or felony have free liberty to petition in open Court for their trials, that they be indicted at the first Court of Oyer and Terminer, unless it appears upon oath that the witnesses against them could not be produced, and that they be tried the Second Court, or discharged. And the Baron or Judge, upon motion made the last day of the Sessions in open Court, is to bail the prisoner, or upon the

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refusal of the said Baron or Judge, and Provost-Marshall or other Officer, to do their respective duties therein, they shall be removed from their places. Provided always that no person be discharged out of prison, who stands committed for debt, for any decree of Chancery or any legal proceeding of any Court of Record. And for the preventing any exactions that may be made upon prisoners, you are to declare our pleasure that no Baron or Judge shall receive for himself or Clerks for granting a writ of *Habeas Corpus* more than 2s. 6d., and the like sum for taking a recognizance, and that the Provost Marshall shall not receive more than five shillings for every commitment, 1s. 3d. for the bond the prisoner is to sign, 1s. 3d. for every copy of a mittimus, and 1s. 3d. for every mile he bringeth back the prisoner. And further you are to cause this our Royal Pleasure hereby signified to you to be made publick and registered in the Council Books of Barbados.

... You shall cause a survey to be made of all the considerable landing-places and harbours in the said Island, and with the advice of our Council there, erect in any of them such fortifications as shall be necessary for the security and advantage of the said Island, which shall be done at the public charge ; and whereas we have thought fit to give particular directions for applying the Duty of  $4\frac{1}{2}$  per cent. in our Charibbee Islands towards the repairing and erecting fortifications and other public uses for the safety of our Islands, and being sensible that the said Duty will not be sufficient for compleating and keeping in repair all the fortifications, and for the other public services necessary for the safety and welfare thereof, we do hereby will and require you to move the General Assembly that they continue the public levies which they have formerly been accustomed to raise for the fortifications and other foresaid public services, and from time to time pass such other Acts as may be requisite for the carrying on of that work, in which we doubt not of their cheerful concurrence, from the common security and benefit they will receive thereby. You are to send an account of imports and exports. No ships to come from Barbados without convoys (See Aug. 21). Appeals to the Governor in Council to be granted provided the value appealed for exceed 300*l.* sterl., and thence to the Queen, if the value exceed 500*l.*, if appeal be made within 14 days after sentence and good security be given by the Appellant. Appeals to the Queen to be permitted in cases of fines exceeding 200*l.* You are to propose an Act, whereby the creditors of persons becoming bankrupts in England and having estates in Barbados, may be relieved and satisfied for the debts owing to them. You shall with the advice and consent of the Council (if not already done) erect a fair

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in each of the four Port towns; assist the neighbouring Plantations upon application of the Governors; keep the prison in repair; recommend to the Assembly the building a house for the Governor. You are earnestly to endeavour the re-enacting that Law, whereby all lands seized by process of Law for the satisfaction of debts should be sold as formerly by outcry; and to this purpose you are to acquaint the Assembly, how sensible we are, what great inconveniences and prejudices do arise to the trade of that Island by the difficulty men find in recovering their just debts; which, if by good laws and a due execution of them it be not timely remedied, will draw certain ruin upon the place, and therefore we earnestly recommend it to your care. If any the subjects of a foreign Prince, now in war with us, have already planted themselves upon any of the Islands of St. Lucia, Dominico, St. Vincent's or Tobago, or shall hereafter attempt to do the same, you are to endeavour with force to dislodge and remove them, and also to prevent what in you lies such attempts for the future; and upon all occasions effectually to assert and maintain the right of the Crown of England to the said Islands, and in order to the further asserting our right to the said Islands exclusive of all others, and to hinder the settlement of any Colony there, you are to give notice to any foreigners that shall pretend to make such settlement, that unless they shall remove within such time as you in your discretion shall assign, you shall be obliged by force to dispossess and send them from off the said island. You are not to encourage any planting, nor to grant unto any person any lands or tenements, which now are or hereafter shall be in our power to dispose of, in any of our Islands under your Government, except Barbados, until you shall receive from us further orders therein. You are to take unto yourself as Governor 200*l.* sterl. *per annum* out of our Revenue of 4½ per cent. from the date of your Commission, to be received by you upon the place from the sub-commissioners appointed for the collecting and managing that duty. [C.O. 29, 8. pp. 147-195.]

Aug. 18. **864.** Council of Trade and Plantations to the Queen. Whitehall. Enclosing draft of the Instructions for Governor Codrington. *Signed*, Dartmouth, Robt. Cecil, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

864. i. Instructions for Christopher Codrington, Governor of the Leeward Islands. [C.O. 153, 8. pp. 8-59.]

Aug. 18. **865.** Journal of Assembly of Barbados. Absent Members fined. Resolved that the Committee of Correspondents do make application for the repayment of the money paid for the

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sending H.M. packetts to the Leeward Islands and Jamaica. Ordered that Capt. Charles Thomas be paid 113*l.* for the hire of his sloop *Betty* for the above-mentioned service.

Resolved, that Richard Baynes be paid for the maintenance of the French prisoners at the rate of 15*d.* per day. [And see s. Aug. 26.]

Levy of 18*d.* per head each negroe, for the use of the fortifications, agreed upon. Act ordered to be drawn accordingly. The Treasurer to have 3*l.* per cent. for his trouble.

Committee of Correspondents appointed.

Ordered that fit and convenient books be provided, and that such of the old books as want binding be new bound.

George Harper appointed to the Committee of Public Accounts in the stead of Nicholas Prideaux, lately deceased.

Ordered, that all the Commissioners of the Fortifications bear their own charges when sitting on public business, and that every person absenting himself from his duty pay 20*s.*, without lawful and just reasons by letter shown, to be adjudged of by the majority of the Commissioners.

Petition of the Merchants and Traders, for setting out some vessels for the preservation of the ships coming to this island, read.

Ordered that an Act be prepared for making good and confirming all Acts passed by writs directed contrary to the Laws of this Island.

Commissioners appointed for taking up one brigantine and one sloop and fitting them out, and to take up money for the purpose at 10 p.c. to be re-paid in one year. Bill ordered to be drawn accordingly. [C.O. 31, 6. pp. 475-478.]

Aug. 18.  
At Capt.  
Thomas  
Jenour's, in  
St. George's.

**866.** Minutes of Council of Bermuda. The Court or Board being sate, Col. Day and Mr. Larkin came in. The Governor pull'd off his hat and ordered chairs. Mr. Larkin took notes without contradiction. The Council being met in the afternoon, Mr. Larkin sent word he desired to speak with the Board. He was immediately sent for in; the Governor pull'd off his hat and pointed to the chair he sat in in the morning. Mr. Larkin stopt short of it, and acquainted us it was necessary the Queen should be proclaimed, or he could not forward the affairs he came on (to settle a Court of Admiralty), neither, said he, could we regularly proceed in any other business till that was done. The Governor replied, You shall have all the dispatch possible. Mr. Larkin withdrew after completing some private matters. The door was open for all such as had business relating to the Chancery Court. Accordingly, Col. Day appeared, and a little time after him Mr. Larkin, the Doorkeeper attending him with a chair. Col. Day moved he might be allowed to enter into security, according to the order and practice of this Court, to prosecute his appeal to H.M. in Council in a cause wherein he was plaintiff against the Crown about a house and land, notwithstanding the Secretary affirmed the time limited by Act of Assembly was elapsed for such security to be put in, and was

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ready to prove the same on oath. But Col. Day seeming positive to the contrary and making affidavit that he was with the Secretary in time in order to put in security, the Court allowed the same, and ordered it should be for 300*l.*, and to pay treble damages in case the decree here should be confirmed, according to an Act of this country. Col. Day excepted against the greatness of the sum, and was strenuously backed by Mr. Larkin, who said it could not cost 50*l.* prosecuting in England. The Governor asked if he was feed in the case. He answered, he was *amicus in curia* (which was not proper to say when the Crown was concerned), but the Court considering the great expence the King had been at already here in Law and Equity, could not consent to the lessening the sum, 100*l.* being the least it could cost in all before it was determined in England. Col. Day then moved he might have a writ of error, for that he would not put in security to that value, but the Governor told him it could not be granted, an Appeal having been craved and allowed. Mr. Larkin urged very much for it, and argued that writs of error were not limited when to be allowed. The Governor answered a writ of error could be no great advantage, for in this case an Appeal was almost the same thing to Col. Day, for if there has bin erroneous proceedings here, he would have right done him upon the Appeal. Mr. Larkin passionately interrupting the Governor with very undecent gestures, said, No, I deny that a writ of error and an appeal is not the same thing, and went on to explain the nature of both, and seemed as if he was glad of an opportunity of exposing the Governor's understanding, and then prest for a writ of error. Whereupon the Governor asked if it was his opinion that a writ of error could legally be granted after an appeal allowed, to which he replied in a contemptuous manner, Sir, I am not to be tricked, and so sat down. But he immediately rose up again, and in a bullying way taking Col. Day by the sleeve, "Here is a gentleman" (speaking to the Council) "who has been your Governor, whom you have prosecuted for a dunghill, and never consider how you have cheated the King of 27 shares of land," and added that he had been here five weeks, and nobody came to him to complain against Col. Day, and that he believed he was not that man as represented. One of the Council asked what right could he do any person upon complaint. He answered, he was ready to do every man justice that would come to him. The Governor asked if he had any authority to examine into Col. Day's miscarriages, and, if he had, that he would shew it. He answered that he would show neither his Orders nor Instructions, and continued in his undecent way of arguing and reproached the Court, saying, "I am equal with the Governor, and you have not had the civility to order me a chair," notwithstanding that ceremony was constantly performed to him. [C.O. 40, 2. pp. 47, 48.]

Aug. 18. **867.** Minutes of Council in Assembly of New Hampshire. The Lt.-Gov. (Wm. Partridge) suspended George Jeffrey from the Council. Mr. Jeffrey desired to know the reason. His

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Honour answered, he would give the Queen an account of the reasons for his so doing.

The House of Representatives were summoned to the Board, who accordingly came, and there not being a full Council, the Lt. Gov. adjourned the Assembly till Sept. 8. [C.O. 5, 789. p. 319.]

Aug. 19.

**868.** Council of Trade and Plantations to the Earl of Nottingham. We have received your Lordship's letter of Aug. 16. As to the enclosed letter from Bermuda, setting forth that it would be advisable to prevent provision ships bound from the Continent of America from going to the Southward without convoy, *refer to* a letter to Mr. Burchet, June 16. And we are further of opinion that if more men of war than what are already in the Plantations could be spared, they would be of great service in convoying the ships trading with provisions and otherwise to the Southern Plantations; but as those Plantations have a great dependence on the Colonies upon the Continent for provisions, we do not think it advisable that any provision ships be hindered from going to the Southern Plantations without convoy, unless the Governor of the Plantation, where such ship shall be laded, have a prospect of allowing convoy in a short time. *Signed*, Dartmouth, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Endorsed*, R. Aug. 21, 1702. 1 $\frac{3}{4}$  pp. [C.O. 37, 25. No. 73; and 38, 5. pp. 242, 243.]

Aug. 19.

**869.** Council of Trade and Plantations to the Principall Officers of the Ordnance. Enclosing Order in Council, Aug. 6. We desire you to take care that the same stores be expedited accordingly, and consigned to Col. Nicholson or the C. in C. for the time being. *Signed*, Dartmouth, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 5, 1360. p. 221; and 5, 1335. p. 34.]

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**870.** Earl of Nottingham to the Council of Trade and Plantations. The Queen would have you prepare a Commission and Instructions for one, leaving a blank for the person's name, to be Governor of Jamaica, taking care that what relates to the Admiralty be altered so as to agree with Sir Bevill Granville's Instructions in that particular. I should be glad if this could be done by Monday next, so as that the Commission and Instructions might then be presented to H.M. in Council for her approbation. *Signed*, Nottingham. *Endorsed*, Recd. Read Aug. 21, 1702. 1 p. [C.O. 137, 5. No. 76; and 138, 10. p. 353.]

[Aug. 19.]

**871.** John Usher to the Council of Trade and Plantations. Memorial as to the proceedings in New Hampshire, 1696. 1697. *See* previous volumes of this Calendar. *Signed*, John Usher. *Endorsed*, Recd. Aug. 19, Read Sept. 4, 1702. 3 pp. [C.O. 5, 862. No. 128; and 5, 910. pp. 241-251.]

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**872.** George Larkin to the Council of Trade and Plantations. I am now at Bermuda, where neither the Queen nor the War

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are yet proclaimed. They do indeed pray for her Majesty in the publick prayers of the Church, but at the same time hold all their Courts in the name of the late King, the Collector of the Customs clears all ships and vessels in his name, and the Secretary in the Queen's, which seemed to me very absurd. The Governor and Council sitting yesterday, I took leave to acquaint them that it was now near upon six months since H.M. decease, and that I had been with General Codrington in May last when her Majesty was proclaimed in the Leeward Islands, both at Nevis and St. Christopher's, that it was probable the pacquet for this place had miscarried, and therefore it was requisite they should take the same into their consideration. The present Governor has since his coming given out either eleven or thirteen Commissions to private men of war, which differ in some clauses from the Commissions granted by former Governors. I was in hopes to have procured copies of each and transmitted them by this opportunity, but the Governour having notice by the Secretary that I had been at the office and made some enquiry into the matter, directed the Secretary to let me have nothing out of the office until he was made acquainted therewith. The tenour of these Commissions are to suppress pyrates, sea-rovers and the Queen's enemies, to visit ships and do everything that H.M. men-of-war can or may do, and also to execute Martial Law on board. Since my coming here I have seen one of them sail out of the Town Harbour with H.M. Jack, Ensigne and Pennant, and not the distinguishing Jack directed by the Admiralty. How far the Governours of the Plantations are justifiable in granting Commissions of this nature, I must humbly submit to your Lordships, but I am very well assured that they have been, and still may be of very ill consequence, and I don't remember that I ever heard of any Law that warrants the executing Martial Law at sea (excepting the Statute of the 13 Car. II., which I think relates wholly to H.M. ships of war, and to those that are in actual pay in H.M. service). Besides, H.M. is at a great expense of powder in answering the salutes of these vessels, for as often as they have occasion to go out or come into this Harbour, every one of them gives five gunns, and the Governor returns them gunn for gunn. I'll get your Lordships copies of these Commissions, if possible, before I go hence, of which I see no manner of probability as yet, scarce a vessel going hence to Jamaica in three of four months, unless forced in by chance.

This, my Lords, is one of the distracted'st little Governments that I yet came into, and truly, as far as I can learne, occasion'd chiefly by Mr. Anthony White, Mr. Walker, and Mr. Sporforth, three of the Council, and Mr. Dickeson, a Justice of the Peace, who, if all things are not carried in their Courts at Law, Courts of Appeal, Chancery and Councill according to their desire, and are not in a manner Governors themselves, immediately fly in the face of the Governour, and if out of the Council, they make use of some other person, as the monkey did the cat's foot. These gentlemen are said to meet and agree how matters shall go

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before they come to Councill or to Court, and therefore called the Flatts Government ; were it not for them Bermuda might be as quiet a Government as any in America. I presume the Governor has given your Lordships an account of his suspending Mr. Jones from his employment of Secretary and Provost Marshall General *ex officio et beneficio*. I am concerned to see an officer commissionated under the Great Seal of England used after such a barbarous manner, which took its rise from a little peake betwixt him and the Governour. And now there is no less than ten Appeals depending before the Governour and Council, and most of them for executing warrants etc. *virtute officii* from the late Governor and Chief Justice, and about eight indictments, copies of which come herewith enclosed. I find also the Assembly interposing in this matter to justify what the Governour has done, and carried it so far as to make an Act of Assembly, by which your Lordships will very easily perceive that their drift is to reduce those employments which are now in the nomination of the Crown, as Governour, Secretary and Provost Marshall, to such an estate as no person may accept of them but the natives of the Island, and then they'll use H.M. subjects here as they please themselves. I transmit herewith Jones' case. The late Governor, Mr. Day, is under the same dilemma, and I think there is as many Appeals depending against him for offences and misdemeanours committed during the time of his Government, without any manner of regard to the Act of Parliament touching Governours of Plantations, tho' the same has been pleaded. One of them is for seizing sixteen ounces of clipping, which he transmitted to the Lords Commissioners of the Treasury ; another is for taking up one Daniel Smith, a pirate, and for seizing some lands purchased with the money by an Order from the King and Councill. Such unheard of practices were never certainly transacted in any Government belonging to the Crown of England as there is in this. I hope your Lordships will believe that I am far from justifying Mr. Day. I believe he has been guilty of abundance of irregularities, and here is a general complaint against him, but few particulars. What he did, he did by virtue of his power as being Governour ; what they do now against him seems to me to be as bad, or rather worse, being under the pretence or colour of law. If a Governor of Bermuda cannot dispense with his oath, which he takes for the preservation of the Acts of Trade, and breake his Instructions, the people of the country are soon offended at him. This Gentleman strives all he can to make himself popular, and in hopes of gaining a good name in order to a better Government, permits them do even what they please themselves. Indeed he has taken a great deal of pains in disciplining the Militia, in order to make them serviceable when occasion shall offer, and in a redinesse upon any alarm, as also in fortifying those parts of the Island which seemed defective, tho' truly I think it's sufficiently done by Nature. He has directed that the negroes, malattoes, and Indians be instructed in a sort of discipline, to make them also serviceable upon occasion. How far it's advisable, or may prove

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to the advantage of these Islands, to teach them the use of arms, since they are equal in number, if they don't exceed the Whites, I cannot pretend to say.

In the Instructions given to the Governors of this place, it's particularly directed that all vessels arriving within the Government shall, with the first opportunity of wind and weather, come to an anchor in the Castle or St. George's Harbour, and that he shall not permit them to load or unload any goods in any other port, notwithstanding which, for a small present to the Governour, the same is dispensed with, and they are suffered to go up into the country, where almost every Master of a vessel hath his storehouse, by means whereof H.M. is a sufferer in her Customs, and here's brandy and other commodities brought frequently both from the French and Dutch Islands. One way of trading I understand they have here as well as in other places upon the Continent of America, which admits of no dispute at their returne; a vessel goes from this place to Barbados, and there the Master shall make an entry at the Custom House of a parcel of dry goods, so many pieces of Holland, or Holland's Duck, or any other commodities which he is sure he can have at the Dutch or French Islands; he hath coequets for these goods, but afterwards will pretend that his money falls short and he cannot make purchase of them, but gives out that perhaps he may receive money before he leaves the Island. He afterwards takes out his clearings and goes away to the Dutch or French Islands, and there takes in the goods for which he had coequets at Barbados.

In June last was twelve months an Assembly was called, and the precept was directed to the Justices of the several Tribes or Parishes to send four persons out of every tribe to the Assembly. In this precept there was a clause in which the Justices were liable to be chosen themselves, which was never in any former precept, and seven Justices returned themselves and continue sitting to this very day, notwithstanding the death of H.M. Here is but one Court held in a year at Christmas, which is called the Court of Assize or General Gaol Delivery. If a person be indebted to another, if he does not enter his action against him two months before the sitting of the Court, he is remediless until that time twelve months, and if one sells goods to another above the value of 40s., tho' he agree for to be paid in ready money, he must stay for it till Christmas, for by an Act of Assembly no one can be allowed a special Court but a merchant stranger or mariner. There should, with submission I thinke, be a Court once in a quarter of a year. This is a very populous place; according to the best computation there is at least 6,000 souls, and the Bermudians for the generality are a people of very ill principles, addicted to idleness; they would rather go out in their boats and catch a groat's worth of fish than get a piece of eight any other way. They make no manner of improvements in their lands, tho' it would produce as good sugar-cane as any place in the West Indies. Indeed, if there was anything of that nature, there would be a reason for people's staying for

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their debts till crop time. Here is several thousand weight of tobacco planted in a year, and sent abroad, for which there is a penny per lb. Custom payable to H.M., but a very small quantity of it comes to the knowledge of the Collector, for the negroes carry it aboard by night, and a negro by an Act of Assembly here cannot be evidence against a white person, so that if the Collector cannot discover the owners, if he happens to make a seizure, I believe H.M. has very little advantage by it, and therefore I would humbly propose that there be an Act of Assembly that every Planter or owner of any ground in these Islands planted with tobacco shall be obliged at crop-time or gathering in of the tobacco to enter upon oath with the Collector the quantity of tobacco so planted, upon the forfeiture of paying 2d. per lb. for every pound concealed, whether planted by planter, or by owner of any ground, or negro slave, or free negro or mallato ; that the duty of a 1d. per lb. be paid in six months after crop time, for in that time I am credibly informed that there is not a pound of tobacco to be bought in the Islands, and nobody can or will give an account what is become of it, and that the planter or owner of the ground be allowed  $\frac{1}{4}$  of a cwt. custom-free for his own smoking.

In all the Leeward Islands, nor in Bermuda there is not at present any establish'd officers belonging to the Vice-Admiralty Court as Judge, Advocate, Register or Marshall, but the same are from time to time deputed as occasions offer. When any Court of Admiralty happens to be held, the persons I have herein before hinted to your Lordships are general Councill in the matter, and nothing will serve them but a jury in the Admiralty. And I do declare it, for as much as I have seen in the tryalls against Col. Day and Jones, I would not try a cockroach by a Bermuda Jury. For every Court that's held, the Governor claims 8l. 17s. 8d. They have ever been here for giving that Court all the discouragement that may be, and with submission the jurisdiction of the Admiralty ought to be better established all over the West Indies than at present I find it is. Since my coming here a vessel laden with log-wood hath been unfortunately cast upon the rocks ; some of the inhabitants went immediately off, and instead of affording their assistance, cut away her boat from her stern, cut up her decks, broke open the Master's Cabbin, carryed away his best clothes and great part of the lading. So barbarous are the people of this country, when anything of that nature happens, which is too often. I told the Governour, as he was Vice-Admirall he ought to enquire into the matter, and to take particular care to severely punish those whom he found guilty of such a piece of cruelty, but I don't find that he has done anything therein as yet. *Signed, Geo. Larkin. Endorsed, Reed. 28th, Read Oct. 30, 1702. Holograph. 5 pp. Enclosed,*

872. i. Abstract of preceding.  $3\frac{1}{2}$  pp.

872. ii. Copy of the Indictments and Sentencees against Mr. Jones, Provost Marshall of Bermuda. *Endorsed, Reed. Oct. 28, 1702. 8\frac{1}{4} pp.*

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872. iii. Copy of the case of Mr. Jones, suspended by Governor Bennet from his offices of Secretary and Provost Marshall of Bermuda. *Endorsed*, Recd. Oct. 28, 1702.  $2\frac{1}{2}$  pp. [C.O. 37, 4. Nos. 3, 3.i.-iii. ; and (without enclosures) 38, 5. pp. 302-311.]

Aug. 20. 873. George Jaffreys to John Usher. H.E. Col. Dudley  
Portsmouth, New Hampshire.

came to this Province last month. It was a sore exercise to Mr. Partridge that I was named one of the Council. He was pleased to represent me to the Governor in so black colors as malice could invent, hoping to hinder my sitting in Council, but the Governor found it was only prejudice in him. He was pleased to desire me to go to Mr. Partridge and to desire reconciliation with him, which I said I could not do, never having given him just cause of offence. I prayed H.E. to call us both before him and Council, that I might answer what might be objected against me, and did not doubt but that I should not only cleire myself, but make appeire he was such a person as he would insinuate me to be, for could prove since he was L.G. he hath a vessel from Bilboa with iron etc. notwithstanding his solemn oath to see to the punctual observing the Acts of Trade. I have *discoursed* the persons that landed the iron, but [discoursed] are afraid to give their evidence, considering his station, unless compelled to it. The Governor was not willing to admit of a public heiring, but after some time sent for me to Council to take my place at the Board. But soon after he went away Mr. Partridge suspended me. I desired to know his reasons. He told me he would give his reasons to the Queen. I then told him (although I was not ambitious of sitting with him), the Queen's Commission did give him no power of suspension, he having no Commission from the Queen. Whatever reasons he can offer, I know can prove them false and malitious. The Assembly hath given H.E. 250*l.*, and made a Law for raising double impost upon all goods imported, and 2*s.* per tun for all lumber exported. They had some time before given Mr. Partridge 300*l.*, having been kept a standing Assembly for more than three years, and are almost all that favor Partridge. It is unaccountable what money hath been raised in this poor Province since Partridge had anything to do with the Government ; above duble in proportion what was raised in time of the last warr with France, altho' then we had sopers to maintain, and, as your Honour knows, not one penny to the Governor, not so much as to bear your expense in serving the Public. And now Mr. Partridge, altho' he hath a considerable trade, must be free of all taxes etc. which is a great loss to the Province, besides half of the Naval Officers' fees, which are exacted arbitrarily, and besides all other perquisites, which he makes the most of. And none knows what good he hath done for it, but making a interest for himself, and putting most of the Assembly in places of trust. He yet detains the cotton-wool, which your Honour formerly had advice of, and Mr. Sheafe hath been encouraged to make a new seizure of it, in order to a new trial, notwithstanding

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it's been cleired by the Supreme Court of Judicature heir. *Signed*, Geo. Jaffreys. *P.S.*—Litell notice taken of Mr. Armstrong's complaints; it's believed he will not come to prosecute them. *Addressed*. 1½ pp. [C.O. 5, 862. No. 129.]

[Aug. 20.] **874.** Petition of Edward Haistwell etc. to the Council of Trade and Plantations. We are informed a Bill is passed by the Assembly of Maryland for maintenance of the clergy and other things, whereby our Friends there conceive they may be deprived of that liberty with security to their property which was the encouragement of their first settlement, and which was without interruption continued to them for about 60 years. *Pray* for a copy of the Bill and liberty to be heard thereupon before the same be presented to the Queen for her assent. *Signed*, Ed. Haistwell, John Feild, Theodor Eccleston, Jos. Wyeth. *Endorsed*, Recd. Aug. 20, Read Sept. 3, 1702. 1 p. [C.O. 5, 715. No. 54; and 5, 726. p. 132.]

Aug. 20.  
Williams-  
burgh.

**875.** E. Jenings to [? *the Earl of Manchester*]. Your Lordship having signified to H.E. that this Government is within your Province, where having the honour to be H.M. Secretary, I hope your Lordship will pardon this presumption. H.E. being gone into our Bay to forward Capt. Herne in H.M.S. *Centurion*, and being uncertain after H.E.'s return whether time may permit him to write to your Lordship, I think it incumbent on me to let your Lordship know, H.E. met the Assembly the 12th instant according to Prorogation, and having intimation of war being proclaimed in England, very earnestly recommended to them the providing for the better defence of the country and transporting forces and conveyance of speedy intelligence in time of danger and preventing seamen from running away from H.M. ships of war, and discharge of public debts. H.E. thought not fit to offer more then what absolutely necessary for H.M. service at this juncture, being the most uneasiest season of the year. And tho the whole body of the Laws are in such a readiness as may be proceeded on, yet he thinks it better to leave it to their choice than greatly urge it at this time. The balance of H.M. Revenue here will be very serviceable this ensuing year, for the little expectation of large crops makes it very doubtful whether the Revenue will arise to discharge the established and contingent charges of the Government. *Compliments*. *Signed*, E Jenings. *Endorsed*, Recd. from Ld. Manchester, Oct. 21. 2 pp. [C.O. 5, 1339. No. 71.]

Aug. 20. **876.** E. Jenings to the Council of Trade and Plantations. *Similar letter to preceding*, with additions. H.M.S. *Warwick*, with her convoy, sailed the last of the past month. . . . The raines has been a great prejudice to the crops both as to quality and quantity. *Signed*, E. Jenings. *Endorsed*. Recd. Read Oct. 20, 1702. *Holograph*. 2½ pp. [C.O. 5, 1313. No. 1; and 5, 1360. pp. 318, 319.]

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**877.** John Doggett, Secretary of New Providence, to the Council of Trade and Plantations. A true relation of the Rebellion lately committed in New Providence. On Oct. 5 last, I being then at the dwelling-house of Elias Haskett, then Governor, Read Elding, John Warren and Benjamin Griffin, together with a considerable number of inhabitants, did about 7 or 8 o'clock at night break into his house, in order to put into execution a design which they had laid to murder him. First John Warren presented a pistol to his breast, but the Governor put the muzzle of it by; however, it fired and wounded one of the conspirators, breaking his thigh-bone; upon which Warren broke the muzzle of the pistol in his hand, and with the butt-end broke the Governor's head in several places. Then the conspirators hurried him into the Fort, where they kept him in irons for about three days, and then conveyed him to the house of Ellis Lightwood about four miles distant, and again loaded him with irons, and kept him under a strict guard till Nov. 13, during which time they permitted no communication with him. His lady and her sister fled to the woods, but some of the rebels pursuing them with naked swords took and confined them in the Fort, whilst others ransacked his house, and seized all his money, papers etc. and the *Providence* galley with her lading and the Governor's sloop. They opened his storehouse also, and seized upon all his goods and merchandizes, which consisting partly of beef, pork, meal, bisquets, liquors, sugars, and other provisions, they distributed among the poorer sort, till at length some of them were brought over by persuasion, and others forced by threats and punishment to put their hands to an instrument, whereby they obliged themselves to contribute a certain summe to carry on a prosecution against the Governor, upon Articles which I presume are now lying before your Lopps. On Oct. 5, the Conspirators seized also on the Chief Judge, the Chief Judge of the Admiralty and myself, the then Secretary, but I found means to escape out of their hands to my Plantation. But they broke open my house in town, got into my office, took the Seal of the Island and part of the Records and what other papers they thought most convenient for their purpose. On Nov. 13 they forced the Governor on board a small ketch belonging to New York, but by a particular order of the rebellious Council, they would not permit his Lady to bear him company, nor suffer any friend or servant he then had to go along with him. On that day I saw him for the first time. They permitted me also to wait on him on board, where, at the command of Ellis Lightwood, Thomas Gore, Read Elding and George Graham, all of the Council, I saw the irons, which he had been released from merely for the conveniency of travel on horse-back, rivetted on his legs. I remonstrated against this unnecessary hardship, but in vain. *Signed*, Jno. Doggett. Mrs. Elinor Hooper, Charles Mecarte, Sary Mecarte [? McCarthy] are ready to make oath to the above. 2 pp. Appended.

877. i. Reasons that induced them to this barbarous treatment of the Governor. *See Governor Haskett's defence.*

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The Articles they lay to his charge are altogether scandalous or false. He never did anything contrary to Law or that was any grievance to the people, but always discharged the duty of a careful and good Governor. Unless speedy care be taken of that Island, by H.M. sending a force thither, it will inevitably in a short time fall into the hands of the French. 4 pp. *The whole endorsed*, Recd. Read Aug. 21, 1702. [C.O. 5, 1261. Nos. 148, 148.i.; and 5, 1290. pp. 173-194.]

Aug. 20. **878.** The Queen to Governor Nicholson, giving directions for defraying the cost of the Stores of War, sent to Virginia, *as No. 815. Countersigned, Godolphin. 2 pp. Annexed,*

878. i. Duplicate of Estimate, No. 815.i. 1 p. *The whole endorsed*, Recd. Aug. 27, Read Sept. 3, 1702. [C.O. 5, 1312. Nos. 42, 42.i.; and (without enclosure) 5, 1360. pp. 222, 223.]

Aug. 20. **879.** Minutes of Council in Assembly of Jamaica. Bills, for the more effectual raising parties to pursue and destroy rebellious and runaway slaves; and to confirm the will of John Reid etc. sent up, were read the first and second times, and committed.

Aug. 21. The first-named Bill was read with amendments.

Bill for the present subsistence of H.M. officers and soldiers sent up, was read a first and second and third time, and sent down.

Bill to reimburse John Sadler for money expended on the estate of Sarah Grace Sedgwick, a minor, deceased, sent up, was read a first and second time.

Aug. 22. Bills, for raising an Additional Duty and Impost, and to confirm the Acts of the last Assembly, sent up, were read three times, and sent down.

Bill for raising several sums of money to discharge the publick debts and providing funds for the safeguard of this Island, sent up, was read a first and second time.

Bill for the more effectual raising parties etc. sent down with amendments.

Joint Committee of the two Houses appointed to consider the Bill for raising money to discharge the debts etc. The Commissioners of the Council were instructed to propose (1) that a proviso be proposed to be inserted that the money arising by the Act be paid by the Commissioners by order of the Governour and Council to the respective persons and uses to whom and which appropriated, and no otherwise. (2) That a query be proposed whether the House intended that a bachelor or widower being Colonel and also a Councillor should be taxed in both capacities: (3) and why they taxed the Receiver General 100*l.*, and took away the profits of his office by appointing Commissioners to receive and pay the money arising by this Act. (4) That they propose an amendment to the oath, that instead of

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*island*, it should be said *parish*. (5) And that a query should be proposed why they tax the Naval Officer 80*l.*, being in the opinion of this Board an office of little profit. The Commissioners of the House approved only of the proviso (1). As to (2) they declared that such was the meaning of the House. As to (3) they said that it had been usual for Assemblies to appoint Commissioners for receiving and paying money raised by them. (4) As to the oath, they had put *island* for that the House had been informed some people at the time of laying taxes removed their negroes from one parish to another, and so evaded the same. (5) The House was informed the office was of great profit.

Message sent up that the Assembly adhered to the Money Bill without any amendments. Whereupon the Bill was read the third time, and upon mature deliberation and consideration thereof, and the present exigencies this Island lies under, the Council unanimously resolved that:—Whereas in the said Bill, contrary to all former president and also to equity and justice, to tax a man for serving H.M. without pay or reward for his office that is a constant charge and loss of time in his affairs to him, the Assembly have taxed a Councillor for his office of Councillor, and have appointed Commissioners for receiving and paying H.M. money and allowances for the same, without their giving security or putting penalties for the same, yet considering the enemy is to windward of us with 22 sail of ships, and that the Revenue is so much in debt by providing for our defence, and the unhappy circumstances we lie under by not having hitherto made any legal provision for the officers and soldiers, which may occasion such disputes as to run us all into confusion, and also considering the difficulties that are fallen upon us in the Government by the death of the late King and his Captain-General, Brigadier Selwyn, we have, for the safety of this H.M. Island, contrary to our own sense or reason, concurred with the Assembly in the said Bill, but with this our unanimous resolution, that this may never for the future be brought into president, and that no matter, thing or necessity whatsoever shall ever prevail with us for the future to consent to or do the like.

The Council then past the said Bill.

Act to reimburse John Sadler etc. was read the third time and passed.

The "Party" Bill was sent up with some of the amendments agreed to. It was read and passed the third time with such amendments as were agreed to by both Houses.

The Assembly attending, H.E. assented to the Acts, for the more effectual raising of parties to pursue and destroy rebellious and runaway slaves; for the present subsistence of H.M. officers and soldiers; for raising an additional duty and impost; to confirm the Act of the last Assembly; for raising money to discharge the public debts and for the safeguard of this Island; to reimburse John Sadler etc. Then the Governor prorogued the Assembly to the second Tuesday in November. [C.O. 140, 6. pp. 405-413.]

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Aug. 20. **880.** Minutes of Council of Virginia. Col. Custis desired to be excused from attending the present Assembly, he being lame of the gout.

Aug. 21. The Nattoway Indians making complaint that a woman and three children belonging to their Nation had been lately carried away by several Indians, wh. they suspected to be some of those who are tributary to this Government, or at least that they knew where the said captives were. Ordered that James Adams, Interpreter to the Pamunkey, Chickahominy, and Nanscatuo Indians, bring before H.E. and Council on the fifth day of next General Court, two of the great men of each of the said Nations to answer such matters as shall be there objected against them by the said Nattoway Indians, who are in like manner required to depute two of their men to attend. [C.O. 5, 1409. pp. 252, 253.]

Aug. 20. **881.** Minutes of Council in Assembly of Virginia. Grievance from King William County, and petition of Capt. Robt. Snead praying to have the sole privilege of keeping the ferry at York Town, read and referred to the Burgesses: as also a petition of Barnabie Mackinne and other inhabitants on the South side of Blackwater Swamp that he have leave to erect a grist mill there, and two petitions of Chicheley Corbin Thacker for allowances for work done.

Aug. 21. Joint-Committee of the two Houses appointed to adjust matters relating to the Capitol. [C.O. 5, 1409. pp. 640, 641.]

Aug. 20. **882.** Journal of House of Burgesses of Virginia. *See preceding abstract.*

Resolved that it is not convenient that the next October General Court be held in the Capitol. Resolved, that boxes be provided for keeping the Records belonging to the Secretary's Office and the Assembly Office, so as they may be removed easily in case of fire: and that the Clerks of the said Offices take care to remove the Records under their keeping to the Capitol, at such time as they shall be directed by the Governor and Council.

Claim of Mr. Robert Beverley for several services done at the Court for examining claims and titles to Pamunkey Neck Land, in behalf of the Indians, referred to next Session.

Grievance of James City County, praying for the speedy prevention of the frequent pressing of horses in and about Williamsburgh, referred to next Session.

Consideration of the Bounds between this Colony and Maryland referred to next Session.

Several Bills ordered in accordance with H.E.'s Speech.

Proposition of the Inhabitants of Wilmington parish in James City County, rejected.

Several Claims referred to the Committee.

Grievance from King William County, praying that the Indians may have the same privilege for wolves' heads as the English, rejected.

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Aug. 21. Petition of Barnabe Mackinne, praying an order for land on Black Creek to build a gres [? *grist*] mill upon, rejected.

Petition of Robert Sneede, to be admitted Ferryman at York Town, rejected.

Petition of Chicheley Corbin Thacher (=*Thacker*), praying that he may be allowed for entring the Laws of Five Assemblies in the Country's Law Book, rejected.

Bills for dividing Charles City County; prohibiting seamen being harboured or entertained on shore; and for the regulation of ferries and transporting forces, read the first time.

Mr. Robert Beverley was given leave to bring in a Bill for the more easily obtaining fair and regular trials in cases concerning lands, which was read a first time.

Resolved that the petitions of Thomas Pate and Mongo Somerville, to keep the Ferry at York Town, are fully answered by the above Bill.

Resolved that James City County hath full authority to proceed in all cases of meum and tuum. [C.O. 5, 1408. pp. 457-462.]

Aug. 21. **883.** Memorandum by William Blathwayt. H.R.H. does Whitehall. think fit that a Commission be presented to Her Majesty for Dr. Thomas Gardiner to be Chyrurgeon General of the Army. *Signed*, William Blathwayt.  $\frac{1}{2}$  p. [C.O. 5, 3. No. 5.]

Aug. 21. **884.** Council of Trade and Plantations to the Queen. We Whitehall. lay before your Majesty the draught of Instructions for Lt.-Gov. Bennett. *Signed*, Dartmouth, Robt. Cecill, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 38, 5. p. 244.]

Aug. 21. **885.** Council of Trade and Plantations to the Queen. *Refer Whitehall.* to Order in Council, Aug. 6. According to what we have formerly represented, it would be very convenient that Barbados be attended by a competent number of frigates to be relieved from time to time. The Trade of those parts and security of the said Island may well deserve that two or three frigates be appointed for that service during the war. As to the regulated troops, for some time during the late war, a regiment of Foot was appointed for that Island. And we are humbly of opinion that during the present war a regiment or such a number of forces as your Majesty can spare, will be no less necessary for the defence of that Island, and will tend greatly to the encouragement of the inhabitants thereof, and may be made use of as occasion may require for your Majesty's service in the Leeward Islands. *Signed*, Dartmouth, Robt. Cecill, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 29, 8. pp. 198, 199.]

Aug. 21. **886.** William Popple to George Clarke. The Council of Whitehall. Trade and Plantations beg to be informed of the number and quality of the ships of war, that are ordered to attend the particular service of each Plantation. [C.O. 324, 8. p. 180.]

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**887.** Council of Trade and Plantations to the Queen. Enclosing Lord Cornbury's Instructions for the Government of New Jersey. *Signed*, Dartmouth, Robt. Cecil, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

887. i. Draught of Instructions for Lord Cornbury to be Captain General and Governor in Chief of Nova Cæsaria or New Jersey in America. *The Instructions follow in general the line of those given, Cal. 1701, No. 647.ii., and 1702, May 13. Variations and additions* :—Members of Council :—Edward Hunlock, Lewis Morris, Andrew Bowne, Samuel Jennings, Thomas Revell, Francis Davenport, William Pinhorne, Samuel Leonard, George Deacon, Samuel Walker, Daniel Leeds, William Sandford, and Robert Quary. . . . And whereas the inhabitants have of late years been unhappily divided, and by their enmity to each other our service and their own welfare has been very much obstructed, you are therefore in the execution of our Commission to avoid the engaging yourself in the parties which have been formed amongst them, and to use such impartiality and moderation to all as may best conduce to our service and the good of the Colony. . . . You are to transmit with all convenient speed the names and characters of six inhabitants of the Eastern and six of the Western Division of the Province whom you shall esteem best qualified to supply vacancies in the Council. . . . And in order to the better consolidating and incorporating the two divisions of East and West New Jersey into and under one Government, Our will and pleasure is that, with all convenient speed, you call together one General Assembly for the enacting of Laws for the joint and mutual good of the whole, and do sit in the first place at Perth-Amboy in East New Jersey, and afterwards the same or other the next General Assembly at Burlington in West New Jersey, and that all future General Assemblies do sit at one or the other of those places alternately, or (in case of extraordinary necessity) according as you with the advice of the Council shall think fit to appoint them. And our further will and pleasure is, that the General Assembly so to be called do consist of four and twenty Representatives who are to be chosen, two by the inhabitants, house-holders of the City or Town of Perth-Amboy, two by those of Burlington, ten by the freeholders of East, and ten by the freeholders of West New Jersey: and that no person shall be capable of being elected a Representative by the freeholders of either division, and afterwards of sitting in General Assemblies, who shall not have 1,000 acres of land of an estate of freehold in his own right within the division for which he shall be chosen; and that no freeholder shall be capable of voting in the election of such Representative, who shall not have

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100 acres of land of an estate of freehold in his own right, within the division for which he shall so vote; and that this number of Representatives shall not be enlarged or diminished, or the manner of electing them altered, otherwise than by an Act or Acts of the General Assembly there and confirmed by the approbation of us, our heirs and successors.

You are with all convenient speed to cause a collection and revisal of the Laws to be made and transmitted. . . . You shall also propose to the General Assembly and use your utmost endeavours with them, that an Act be passed for raising and settling a publick Revenue, for defraying the necessary charge of the Government, in which provision be particularly made for a competent salary to yourself, as Captain General and Governor in Chief, and to other our succeeding Captain Generals for supporting the dignity of the said office, as likewise due provision for the salaries of the Members of Council and Assembly and of all other officers necessary for the administration.

Whereas it is not reasonable that any of our Colonies or Plantations should, by virtue of any exemptions or other privileges whatsoever, be allowed to seek and pursue their own particular advantages by methods tending to undermine and prejudice our other Colonies and Plantations, which have equal title to our Royal care, and whereas the trade and welfare of our Province of New York would be greatly prejudiced, if not entirely ruined, by allowing unto the inhabitants of Nova Cæsaria any exemption from those charges which the inhabitants of New York are liable to, you are therefore in the settling of a public revenue, as before directed, to propose to the Assembly that such customs, duties, and other impositions be laid upon all commodities imported, or exported, in or out of New Jersey as may equal the charge that is or shall be laid upon the like commodities in the Province of New York. And whereas we are willing in the best manner to provide for the support of the Government of our said Province by setting apart sufficient allowances to our Governor residing for the time being within the same, when it shall happen that you shall be absent from the territories of New Jersey and New York, one full moyety of the salary and of all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall be paid unto such Governor who shall be resident upon the place for the time being, which we do hereby order and allot unto him towards his maintenance, and for the better support of the dignity of that our Governor. Whereas great prejudice may happen to our service and the security of the Province by your absence without a sufficient cause and especial leave from us, you are

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not upon any pretence whatsoever to come to Europe without first having obtained leave for so doing. . . . For the better quieting the minds of our good subjects inhabitants of our said Province and for settling the properties and possessions of all persons concerned therein, either as General Proprietors of the soil under the original grant of King Charles II, or as particular purchasers of any parcels of land from the said Proprietors, you shall propose to the General Assembly the passing of such Acts, whereby the right and property of the said General Proprietors to the soil may be confirmed to them, according to their respective rights and titles, together with all such quit-rents as have been reserved or are or shall become due to the said General Proprietors from the inhabitants ; and all such privileges as are express in the conveyances made by the Duke of York, excepting only the right of Government, which remains in us. And you are further to take care that by the said Act or Acts so to be passed, the particular titles and estates of all the inhabitants, and other purchasers claiming under the said General Proprietors, be confirmed and settled as of right does appertain, and under such obligations as shall lead to the best and speediest improvement or cultivation of the same, provided always that you do not consent to any Act or Acts to lay any tax upon lands that lie unprofitable. You shall not permit any person or persons, besides the General Proprietors or their Agents, to purchase any land whatsoever from the Indians within the limits of their grant. You are to permit the Surveyors and other persons appointed by the General Proprietors of the Soil for surveying and recording the surveys of land granted by and held of them to execute accordingly their respective trusts ; and you are likewise to permit and, if need be, aid and assist such other Agent or Agents, as shall be appointed by the said Proprietors for that end, to collect and receive the quit-rents which are or shall be due unto them, from the particular possessors of any parcels or tracts of land from time to time, provided always that such surveyors, agents or other officers appointed by the said General Proprietors do not only take proper oaths for the due execution and performance of their respective offices and give good and sufficient security for their so doing, but that they likewise take the oaths appointed by Act of Parliament etc. And you are more particularly to take care that the lands purchased from the Proprietors be cultivated and improved by the possessors thereof. . . . Whereas we are given to understand that there are several offices within our said Province granted under the Great Seal of England and that our service may be very much prejudiced by reason of the absence

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of the Patentees, and by their appointing Deputies not fit to officiate in their stead, you are to inspect the said offices, and to inquire into the capacity and behaviour of the persons now exercising them, and to report thereupon to us and to our Commissioners for Trade and Plantations what you think fit to be done or altered in relation thereunto ; and you are upon the misbehaviour of any of the said Patentees or their Deputies to suspend them, till you shall have represented the whole matter and received our directions ; but you shall not, by colour of any power or authority hereby or otherwise granted unto you, take upon you to give grant or dispose of any office or place within our said Province, which now is or shall be granted under the Great Seal of England, any further than that you may upon the vacancy of any such office or place, or suspension of any such officer by you, put in any fit person to officiate in the interval, till you shall have represented the matter unto us and our Commissioners of Trade, which you are to do by the first opportunity, and till the said office be disposed of by us, or that our further directions be given therein. . . . And whereas we have been informed that divers of our good subjects inhabiting those parts do make a religious scruple of swearing, and by reason of their refusing to take an oath in Courts of Justice are, or may be liable to many inconveniences, Our will and pleasure is that, in order to their ease in what they conceive to be matter of conscience, so far as may be consistent with good order and Government, that an Act be passed to the like effect as the Act of 7 and 8 William III, for the affirmation of Quakers. And whereas in the first settlement of the Government it may so happen that the number of inhabitants fitly qualified to serve in our Council, the General Assembly and other places of trust or profit there will be but small, it is therefore our will and pleasure that such of the people called Quakers as shall be found capable of any of those places and accordingly be elected or appointed to serve therein, may upon their taking and signing the Declaration of Allegiance to us in the form used by the same people in England, together with a solemn declaration for the true discharge of their respective trusts, be admitted by you into any of the said places or employments. . . . You are to transmit an account of the state of defence of the Province by the first opportunity. You are to take especial care that due entries be made in all Ports of all goods imported and exported, with the names, burdens and guns of all ships importing and exporting the same, the names of their commanders, and from and to what places they come and go, and transmit the same to the Treasury and Council of Trade

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quarterly. And whereas great losses have been sustained by our subjects trading to our Plantations in America by ships sailing from those parts without convoy, or without the company of other ships which might protect them from our enemies, by which means many of them have been taken by the French in their return to England, to the end therefore the ships of our subjects may be the better secured in their return home, you are to take care that during this time of war, no ships trading to New Jersey be permitted to come from thence to England but in fleets, or under the convoy of some of our ships of war, or at such a time as you shall receive notice from thence of their meeting such convoys as may be appointed for them; and in case of any danger, you are to expect directions from hence, what precautions shall be further necessary for their security. You are to examine what rates and duties are charged and payable upon any goods imported or exported, whether of the growth or manufacture of the said Province or otherwise, and to use your best endeavours for the improvement of the Trade in those parts. . . . Appeals to be granted to the Governor and Council, provided the value appealed for exceed 100*l.* sterl., and that due security be given, and thence to the Queen in Council, provided the sum appealed for exceed 200*l.* sterl., that it be made within fourteen days after sentence, and that good security be given by the appellant that he will effectually prosecute the same and answer the condemnation, and pay costs and damages in case the sentence be affirmed, provided also that execution be not suspended by reason of any such appeal to us. You are also to permit appeals to us in Council in all cases of fines imposed for misdemeanour, provided they exceed the value of 200*l.*, the appellant first giving good security that he will effectually prosecute the same and answer the condemnation if the sentence be confirmed. You are, for the better administration of Justice, to endeavour to get a Law passed, if not already done, wherein shall be set the value of men's estates either in good or lands, under which they shall not be capable of serving as jurors. . . . And whereas the preservation of the Northern Frontiers of our Province of New York against the attempts of any enemy by land is of great importance to the security of our other Northern Plantations on the Continent of America, and more especially of New Jersey, which lyes so near adjoining to our Province of New York, and the charge of erecting and repairing the fortifications and of maintaining the soldiers necessary for the defence of the same, is too great to be borne by the single Province of New York, without due contributions from others concerned therein, for

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which reason we have upon several occasions required such contributions to be made, and settled a quota, you are therefore to take further care to dispose the General Assembly of New Jersey to the raising of such other supplies as are or may be necessary for the defence of our Province of New York, according to the signification of our will and pleasure therein, which has already been made to the inhabitants of New Jersey, or which shall at any time hereafter be made to you. In case of any distress of any of our Plantations, you shall, upon application of the respective Governours to you, assist them with what aid the condition and safety of your Government will permit, and more particularly in case our Province of New York be attacked, the assistance you are to contribute, whether in men or money, is to be according to the forementioned quota. For the greater security of New Jersey, you are to appoint fit officers and commanders in the several parts of the country bordering upon the Indians, who upon any invasion may raise men and arms to oppose them, until they shall receive your directions therein. . . etc. [C.O. 5, 994.A. pp. 42-90.]

Aug. 21. **888.** Council of Trade and Plantations to the Queen. We have prepared a draught of a Commission and Instructions for a Governor of Jamaica, and added an Instruction containing the purport of a letter from H.M. to the said Governor for inducing the Assembly there to continue the Revenue of that Island. *Signed*, Dartmouth, Robt. Cecill, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 138, 10. p. 354.]

Aug. 21. **889.** Attorney General to the Council of Trade and Plantations. *Reply to Queries of Aug. 14th.* I am of opinion that for offences against the Act of 12 Car. II. cap. 18, for encouraging shipping etc., by that Act the Admiralty Courts in the Plantations have no jurisdiction, and the Admiralty Court in England hath jurisdiction only where a ship is taken at sea for offending against that Act. As for offences against the Stat. of 15 Car. II. cap. 7, for the encouragement of Trade, by that Act no Court of Admiralty either in England or the Plantations have any jurisdiction, the suits being to be in such Courts wherein no essoign, protection or wager of Law can be allowed, which by construction are only the Courts of Law where only essoigns, protection or wager of Law can be allowed. The proceedings for offences against the Stat. of 22 and 23 Car. II. cap. 26, for regulating the Plantation Trade, by that Act may be in the Admiralty Court in England, but not in the Admiralty Courts in the Plantations. The Stat. of 7 Willm. doth not give any jurisdiction to the Admiralty Court in England for any offence in unlawful trading to or from the Plantations, but such suits on this Act in England must be in the Queen's Courts of Record at Westminster. But proceedings may be in the Admiralty or other Courts in the

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Plantations at the election of the Informer for importing or exporting to or from the Plantations in any ship but such as are described by that Act, and manned as that Act directs, by Fol. 497, which is that the forfeiture may be sued for in any Court in the Plantations generally, which includes the Court of Admiralty, and the rather because the Act after Fol. 502 expressly takes notice of the Court of Admiralty as a fixed Court in the Plantations for other purposes. As to the Clause Fol. 502, I am opinion that it doth not concern trading in unqualified ships, that being provided for by the former Clause, but I refer to the Clause immediately preceding it, Fol. 500, which enacts that all ships coming into or going out of any of the Plantations and lading or unlading goods, and also their Masters, Commanders and lading shall be subject to the same rules etc. as in this Kingdom by virtue of the Act of 14 Charles II for preventing frauds in H.M. Customs, and also subject to such other powers and authorities of the Officers for collecting and managing H.M. Revenue and inspecting the Plantation Trade, and liable to such pains and penalties touching the importing and exporting goods into and out of the Plantations as by that Act are provided touching prohibited and uncustomed goods in this Kingdom. By which Clause I am of opinion that that Act gives the Admiralty Court in the Plantations jurisdiction of all penalties and forfeitures for unlawful trading, either in defrauding the King in his Customs, or importing into or exporting out of the Plantations prohibited goods, and of all frauds in matter of trade and offences against the Acts of Trade and Navigation committed in the Plantations, and that in all the cases before mentioned, except the trading in unqualified ships, or ships not manned as directed by the Act of 7 Willm. suite can be only in the Admiralty in the Plantations, and or the excepted offences, suite may be in any Court in the Plantations at the election of the Informer. Part of this question will have a judicial determination in a cause now depending in the Queen's Bench in an action of Trover and Conversion, brought by —— against Col. Quary, Judge of the Admiralty in Pennsylvania, who as such in that Court condemned an unregistered ship for trading there, which will acquit him in that action if the prosecution may be in the Admiralty Court, but if that Court hath not jurisdiction of the cause, the proceedings are *coram non judice*, and the plaintiff will recover against him as a wrong-doer. *Signed*, Edward Northey. *Endorsed*, Reed. Read Sept. 11, 1702. 3 pp. Enclosed.

889. i. Copy of queries submitted by the Council of Trade and Plantations, Aug. 14. q.v. 1 $\frac{1}{4}$  pp. [C.O. 5, 1261. Nos. 152, 152.i.; and (without enclosure) 5, 1290. pp. 215-220.]

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890. Journal of Council of Trade and Plantations. Sir Bevil Granville acquainted the Board that Mr. Heysham and some other gentlemen concerned in Barbadoes informed him that pursuant to an Act passed in that Island, March 19 last, they

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have contracted for 1,000 fire-arms, and other stores of war, and that therefore they think great cannon will be the most wanted there at present. Whereupon ordered that a letter be writ to the Agents of Barbadoes to enquire whether that Island may not want a supply of corn-powder for cannon.

Letter from the Earl of Nottingham, Aug. 12, read.

Letter from the Earl of Nottingham, Aug. 18, read. Commission and Instructions for a Governor of Jamaica, with representation, prepared accordingly.

Representation to lay before H.M. the Instructions for the Lord Cornbury, Governor of New Jersey, signed.

Representation to lay before H.M. the draught of Instructions from Capt. Bennet, Lt.-Gov. of Bermuda, signed.

Representation relating to the defence of Barbadoes signed.

Ordered that a letter be writ to Mr[s]. Clark, Secretary to H.R.H. the Lord High Admiral, to desire to know of him the number and quality of the ships of war that are ordered to attend the particular service of each Plantation.

Capt. Hasket and Mr. Dogget attending, the latter presented a relation of the seizing of Capt. Hasket, which was read.

Aug. 22. Capt. Hasket attending, and desiring the Board to report upon his Petition, a Representation was drawn up and signed accordingly. [C.O. 391, 15. pp. 186-189; and 391, 96. Nos. 143, 144.]

Aug. 22. **891.** Council of Trade and Plantations to the Queen. Since our Report in June, we have been attended by Elias Hasket, late Governor of the Bahamas, and have examined his allegations, which import that he was forcibly seized by the inhabitants by reason of his prosecuting divers offenders who have violated the Laws of Trade and Navigation, and for his endeavouring to reform the disorderly way of living of those inhabitants, which has been confirmed to us by John Doggett [Aug. 20]. But whereas there are not here any persons who appear on behalf of the inhabitants, and we having no further information from them, we are not enabled to determine the truth of the matters of fact on either side, which we humbly conceive cannot be otherwise done than by a Commission of Enquiry. But as we are further confirmed here by [? of] the defenceless and disorderly condition of those Islands, whereby they are exposed to the French and Spaniards, and their situation being of very great importance, as we have formerly represented, we are humbly of opinion that your Majesty do again recommend to the Lords Proprietors the care and defence of the said Islands, and a more regular administration of that Government; and in particular, that upon a due enquiry made into these matters, offenders may be punished and justice done to Hasket and others, who shall appear to have been injured. *Signed*, Dartmouth, Wm. Blathwayt, Jon. Pollexfen, Mat. Prior. [C.O. 5, 1290. pp. 194-197.]

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Aug. 22. **892.** William Penn to [? *William Popple*]. Noble Friend,  
(22, 6m. (Aug.) I was yesterday favour'd with a letter from thy own hand. I  
Warming-  
hurst.) wish it had been upon another subject. But this I will say, the  
Queen's commands, immediately or by her Ministers, will ever  
find a reverent regard from me. I married my only daughter  
but the day before yesterday, and as soon as I can reach the  
town I will waite upon Lord Nottingham, and the rest of those  
noble Lords that constitute the Committee of Council, where  
I think my affairs more properly ly than with the Commissioners  
of Trade and Plantations, after the partiality those Gentlemen,  
but too plainly, exprest in favour of the common enemy of our  
poor country : but that must have, also, its reasonable sub-  
mission, and I humbly take leave to hope that I shall [I] appear  
so in judgments less lyable to a byass than that of Thy very  
respectful Friend, Wm. Penn. *Endorsed*, R. 26, 1702. *Holograph*.  
2 pp. [C.O. 5, 1233. No. 41.]

Aug. 22. **893.** Minutes of Council in Assembly of Virginia. The  
Burgesses attending presented an Address to H.E. in answer  
to his Speech, Aug. 18 :—We have resolved that the provision  
now in force for the defence of this Colony is the best and most  
agreeable posture of defence ; and that power be given to H.E.  
till the next Session of Assembly, with the advice of H.M. Council,  
on any accident, as an alarm, surprize, insurrection or invasion,  
to levy suitable and competent forces, to be paid by the public,  
and to disband the same again, as the cause of danger ceases.  
We have resolved that the former resolutions of the House of  
Burgesses concerning fortifications and Naval forces be at this  
time agreed to, to wit, that this country is not of ability to build  
any fortifications, and that if it were, the benefit will not counter-  
vail the charge ; that a Naval force is the best way to secure this  
country from an enemy by water, but that the charge of main-  
taining it will be altogether insupportable to this country.  
*Refer to Bills* now under consideration in answer to H.E.'s  
proposals. We think it best that ships have liberty to go as  
they are loaden, without waiting for a convoy.

Message sent to the Burgesses :—Upon perusal of the survey  
and platt of the land laid out by Henry Beaverley for the  
Chickahominy Indians, and having consulted James Ming, who  
is well acquainted with the land, H.E. and Council are appre-  
hensive that the said Surveyor hath mistaken the resolves of  
the House of Burgesses and laid out a far greater tract than was  
ever designed, for H.E. and Council cannot think it for H.M.  
service to give away 14,910 acres to them who are not above  
14 men in all, the Pamunkey Indians, who are more in number,  
being contented with a far less quantity. They refer the platt  
to the consideration of the Burgesses. And being it doth not  
appear whether the several Plantations wh. are taken within  
the said survey be seated by virtue of patents, or not, that care  
be taken to prevent all manner of disputes for the future by  
reason of such patents, if any be. And H.E. and Council are  
the more desirous to have this matter speedily determined, that

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patents may be granted to such persons as have claims to land in Pamunkey Neck adjoining to the said Indians' land, and that the remaining lands in the Neck may be laid open according to the Address of the Council and Burgesses. [C.O. 5, 1409. pp. 642-644.]

Aug. 22. **894.** Journal of House of Burgesses of Virginia. *See preceding abstract.* Reports of the Committee of Public Claims laid before the House.

Bill for dividing Charles City County read a second time and amended.

Bill for regulating ferries etc. read a second time and amended.

Bill prohibiting the harbouring of seamen read a second time and committed for amendment.

Bill for obtaining more fair and regular trials in cases concerning titles of land read a second time and rejected. [C.O. 5, 1408. pp. 462-466.]

Aug. 23. **895.** Minutes of Council of Virginia. Letter from Mr. Auditor Byrd excusing his absence.

Whereas the selling of the Quit-Rents by inch of candle hath been found in some counties to be very prejudicial to H.M. Revenue, Ordered that they be exposed to publick sale to such as shall offer most for the same on the fourth day of next October General Court, and thence continued during the sitting of the said Court until the said Quit-Rents be sold. And for the improvement of H.M. Revenue of the Quit-Rents, Ordered that notice be given throughout every County, that the lands on the South side of Blackwater Swamp will be laid open after Nov. 20, and that from that day all H.M. subjects shall have full liberty to take up and patent the said lands in the accustomed manner. [C.O. 5, 1409. p. 253.]

Aug. 24. **896.** Order of Queen in Council. Upon the Representation of April 17. Ordering a letter be writ to the Governors of the Massachusetts Bay and New Hampshire to endeavour that, according to what has been proposed by Col. Romer, the Engineer, lately sent thither, a good Fort be built at Pemaquid about the same place where the last stood, and, for its better defence in case of an attack from the sea, that a battery be raised on the next point of land, and a redoubt or round tower in St. John's Island, and a new Fort in Piscataway River, where the present Fort now stands, to be such as the growing trade of that River and County requires, according to Col. Romer's design, as also a strong tower on the Point of Fryer's Island, a Battery on Wood Island, and another on Clark's Island, and further acquainting him that when the said fortifications shall be built, H.M. may be induced to send thither some great guns and other stores of war towards the finishing and use of the same. That the magistrates in Connecticut and Rhode Island and the Proprietors of Carolina and the Bahama Islands be also required to take care that due preparations be made for the defence of

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the same. That the Governors of the Massachusetts Bay, and the said Magistrates of the Colonies of Connecticut and Rhode Island be required that in case of an invasion or appearance of imminent danger on the side of New York, they forthwith send assistance to that Province of men or money, according to former directions. The Council of Trade and Plantations are to write to the Governors and Proprietors accordingly, and to signify to the Agents of Barbados that in case they desire that the duty of  $4\frac{1}{2}$  per cent. arising in that Island, and already directed by H.M. to be applied towards the Fortifications etc. should be applied towards the keeping a competent number of soldiers in H.M. pay in that Island, H.M. may be disposed to order accordingly. And H.M. having been pleased to refer to H.R.H. Prince George of Denmark, Lord High Admiral, the giving directions for providing in the best manner that may be for the security of the coasts of H.M. Plantations and Islands adjacent in America, H.M. is further pleased to order that the remaining part of the Representation of April 17 be referred to the Lords of the Committee of the whole Council, to report what they conceive fit for H.M. to do. *Signed*, John Povey. *Endorsed*, Recd. 7th, Read Sept. 8, 1702.  $2\frac{1}{2}$  pp. [C.O. 323, 3. No. 139; and 324, 8. pp. 183-186.]

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**897.** Order of Queen in Council. Referring Representation of Aug. 21, upon the petition of Barbados merchants, to H.R.H. Prince George of Denmark, Lord High Admiral, for his report. *Signed*, John Povey. *Endorsed*, Reed. Read Sept. 3, 1702.  $1\frac{3}{4}$  pp. [C.O. 28, 6. No. 75; and 29, 8. p. 202.]

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**898.** Order of Queen in Council. Referring back to the Council of Trade and Plantations their Representation of Aug. 21 upon the petition of the Barbados merchants, to hear the Petitioners and thereupon to represent to H.M. whether, instead of the application of part of the  $4\frac{1}{2}$  per cent., directed Aug. 6, for the use of the fortifications etc. of Barbados, the Petitioners are desirous that the same shall be applied towards the keeping of soldiers in H.M. pay for the defence of the said Island, and to report their opinion upon the whole matter. *Signed*, John Povey. *Endorsed*, Reed. Read Sept. 3, 1702. 1 p. [C.O. 28, 6. No. 76; and 29, 8. p. 203.]

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**899.** Memorandum of Order of Council approving the Instructions to Governor Sir Bevill Granville.  $\frac{1}{4}$  p. [C.O. 28, 6. No. 79.]

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**900.** Memorandum of Order of Council, Aug. 24, upon a Representation of Aug. 21, approving the Instructions for Capt. Bennet, Lt.-Gov. of Bermuda.  $\frac{1}{4}$  p. [C.O. 37, 3. No. 76.]

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**901.** Order of Queen in Council. Approving draught of Instructions for Lord Cornbury, Governor of New Jersey

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[Aug. 21], and ordering them to be prepared for H.M. Signature. *Signed*, John Povey. *Endorsed*, Recd. 11th, Read Sept. 15, 1702. 1 p. [C.O. 5, 970. No. 8; and 5, 994.A. pp. 92, 93.]

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**902.** Order of Queen in Council, approving draught of Commission for Lord Cornbury to be Governor of New Jersey [Aug. 18], and ordering the Earl of Nottingham, H.M. Principal Secretary of State, to prepare a warrant for H.M. signature for passing the said Commission under the Great Seal of England. The like Order for the Governor of Jamaica. *Signed*, John Povey. *Endorsed*, Recd. 11th, Read Sept. 15, 1702. 1 p. [C.O. 5, 970. No. 7; and 5, 994.A. pp. 91, 92.]

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**903.** Order of Queen in Council. Ordered, in accordance with the Representation of Aug. 22, that it be recommended to the Lords Proprietors of the Bahama Islands to issue out a Commission of Inquiry in order to the doing of the Petitioner justice by a legal examination into the matters of his complaint, the said Capt. Haskett being a person of whom H.M. has a good opinion, and whom H.M. is well informed may do service to H.M. in those parts. *Signed*, John Povey. *Endorsed*, Recd. Read Sept. 3, 1702. 1 p. [C.O. 5, 1261. No. 149; and 5, 289. p. 106; and 5, 1290. pp. 200-202.]

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**904.** Order of Queen in Council. Approving Representation of Aug. 22, and ordering that it be recommended to the Lords Proprietors of the Bahama Islands that they take care for the defence and security of the said Islands, and for a more regular administration of the Government there, and in particular that upon due enquiry into the said matters, offenders may be punished and justice done to all such as have been injured thereby. *Signed*, John Povey. *Endorsed*, Recd. Read Sept. 3, 1702. 1 $\frac{1}{2}$  pp. [C.O. 5, 1261. No. 150; and 5, 289. p. 105; and 5, 1290. pp. 198-200.]

Aug. 24.  
Windsor.

**905.** Order of Queen in Council. Approving of the draughts of a Commission and Instructions for a Governor of Jamaica [Aug. 21], and ordering the Earl of Nottingham to prepare warrants for H.M. signature, the name of such person as H.M. shall appoint to be Governor being first inserted in the warrant. *Signed*, John Povey. *Endorsed*, Recd. Nov. —, Read Dec. 2, 1702. 1 p. [C.O. 137, 5. No. 77; and 138, 10. p. 392.]

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**906.** Memorandum of Order of Council, Aug. 24, approving the Instructions for a Governor of Jamaica.  $\frac{1}{4}$  p. [C.O. 137, 5. No. 78.]

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**907.** Memorandum of Order in Council, Aug. 24, approving the Commission for a Governor of Jamaica.  $\frac{1}{4}$  p. [C.O. 137, 5. No. 79.]

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**908.** Order of Queen in Council. Approving drafts of Instructions for Governors Codrington, Cornbury, Granville, Bennett, and the Governor of Jamaica. *Signed*, John Povey. *Endorsed*, Reed. 11, Read 15 Sept., 1702. 1 p. [C.O. 152, 5. No. 7; and 153, 8. pp. 80, 81.]

Aug. 24.

**909.** Minutes of Council in Assembly of Virginia. Bills for dividing Charles City County; for the regulation of ferries and dispatch of public expresses and for the speedy transporting of forces over rivers and creeks; prohibiting seamen being harboured or entertained on shore; sent up, were read a first time.

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The above Bills were read a second and third time and sent down, the first with an amendment.

The Council agreed with the Address of the Burgesses, Aug. 22, relating to the Fortifications and Naval forces.

Ordered that ships at present in the Colony have leave to sail as they are loaden.

The Council sent a Message to the Burgesses proposing that the resolvs giving H.E. power to raise forces in an emergency be formed into an Ordinance of Assembly.

Resolve of the Burgesses sent up referring the question of the survey of the land for the Chickahominy Indians [Aug. 22] to the General Court.

The Burgesses sent up the Book of Public Claims, to which they desired their Honours' concurrence.

Bill for dividing Charles City County sent up with amendment agreed to. [C.O. 5, 1409. pp. 645-648.]

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**910.** Journal of House of Burgesses of Virginia. Bill for prohibiting the harbouring of seamen read a third time with amendments.

Bill for dividing Charles City County amended and read a third time.

Bill for regulating ferries, etc. read a third time, and amended.

*And see preceding abstract.*

Book of Public Claims considered.

Thanks were rendered to Mr. Speaker for his extraordinary diligence and care in the discharge of his place this and the two last meetings of Assembly.

Resolved, that 8,000 lb. of tobacco shall be allowed for an able clerk when he shall attend the Committee of Grievances.

*And see preceding abstract.* [C.O. 5, 1408. pp. 466-469.]

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Admiralty Office.

**911.** Mr. Burchett to Mr. Popple. Besides the squadron at Jamaica, under Vice-Admiral Benbow, the following ships are ordered to attend the American Plantations:—*Jersey*, 48 guns, New York; *Southampton*, 48 guns, Virginia; *Kinsale*, 32, Barbados; *Maidstone*, 24, Leeward Islands; *Gosport*, 32, New England; *Eagle*, Advice-boat, 10 6lb. guns, Maryland. *Signed*, J. Burchett. *Endorsed*, Reed. Aug. 27, Read Sept. 3, 1702. *Addressed*. 1 p. [C.O. 323, 3. No. 138; and 324, 8. p. 181.]

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Jamaica.

**912.** Lt.-Governor Beckford to the Council of Trade and Plantations. I met the Assembly I had called for Aug. 6, and during the short time wee sat past an Act to confirm the Acts of the last Assembly ; an Act for present subsistence of H.M. officers and soldiers ; an Act for raising several sums of money to discharge the publick debts and raising funds for the safeguard of this Island ; an Act for raising an additional duty and impost ; an Act for the more effectual raising parties to pursue and destroy rebellious and runaway negroes ; an Act to reimburse John Sadler for money expended for the improvement of the estate of Sarah Grace Sedgwick, a minor deceased. The Money Bill came not before the Council till Saturday night 10 o'clock, and then we were to read it over thrice and pass it ; and the reason wee were so streightned was from Col. Law's the Chief Justice his raising a scruple as to the time the Assembly could sit, which had likely to have prevented the doing of any manner of business, and may still prove prejudicall. We had no other thoughts but that the six months allowed by the Act of the 7th and 8th Willm. did not expire till the 8th Sept. next, H.M. dying March 8, and the Chief Justice alwaies assured me that he would hold the Aug. Court, which was to be done this day, but about the 15th inst. I heard a rumour that the Court would not hold. I asked the Chief Justice the very next day his intentions, who promised me he would sit, there having been no Court held for a long time : the day after he came and told me the Attorney General had been with him and shewed him a case or two that the 6 months were only lunary moneths, and to bee computed so, and not according to the Calender. The C. Justice sends for the lawyers (such as wee have) who presently agreed that the time was to be computed 28 daies to the moneth, so that then the time allowed by the Act expired the 23rd. This put all things into a hurry, however, I thank God I prevailed with the Assembly to get the business done by the time, for I think it was not adviseable, after such a scruple was raised about the validity of the Laws when made, to doe it after the six months was expired ; so that your Lops. see how the Assembly was forced to press on, and that the Council could not make any alterations to the Money Bill, tho' wee offered some, and made them known to the Assembly at a conference, but the time would not allow of any amendments. However, the Council passed the Bill considering the present posture of affairs, and have entered a Declaration in the Council Book that it shall not bee a President for the future. I am sure if I had not thought that the rejecting the Bill might endanger the Island, I could hardly have agreed that the Commissioners named by the Assembly should have the disposal of the money without orders from the Governors and Council. Besides your Lops. will see some other clauses in that Bill which are really impositions. But the Souldiery is now provided for, whereas some were refused quarters, and I could have obliged our Inhabitants no other way then by putting Martial Law afoot, which has almost ruin'd the Country already. The discharging of our old debts will give us new credit upon any

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emergency, or when H.M. service shall require it. I hope now that there is that encouragement given for the reducing of the rebellious negroes, that we shall be able to quell them. They have mightily increased in their numbers these 12 months past, and have been so bold to come down armed and attack our out settlements to Windward, and have destroyed one or two, which if not prevented would prove of fatal consequence and endanger the Island ; for if the settlements to the Windward should be so discouraged that the Inhabitants should be forced to quit them, the enemy possessing themselves thereof might annoy, if not render themselves masters of the remaining part. We are at present here but under a precarious sort of Government, and have no powers to act by but H.M. most gracious Proclamation. However, I hope it cannot be long before a Power arrives either for me, or whomever H.M. shall be pleased to judge more capable, or else I shall dread the consequences ; but I dare not mistrust that a thing of that importance is now to bee done.

The 13th instant arrived here the *Colchester*, and brought with her four prizes sent down by Admiral Benbow, two ships, a brigantine and a sloop. The Admiral has been with 7 men of war at Leogane and Petit Guaves, and has putt the French under no small consternation. He forced a man of war of 40 odd guns ashoar, and the French, rather then she should fall into our hands, blew her up. The Admiral with his boats set fire to two great merchant-ships, and is now gon for the Coast of Carthagena. I dispatch'd away the 14th inst. 2 sloops, one to him and another to Reer-Admiral Whetstone, upon the information that I had upon oath from the master of a sloop, who, as he came by Porto Rico the 27th of July last saw of[f] that Island 22 sail of great ships. This day one of our Privateers has brought into Port Royal a Spanish Barcolongo laden with tobacco. *Signed*, Pe. Beckford. *Endorsed*, Recd. Nov. 25, Read Dec. 1, 1702. 2½ pp. [C.O. 137, 5. No. 80 ; and 138, 10. pp. 384-390.]

Aug. 25. **913.** Abstract of preceding. [C.O. 137, 41. p. 6.]

Aug. 25. **914.** William Popple, jr., to the Agents of Barbados. The Whitehall. Council of Trade and Plantations send you the enclosed Order of Council relating to Appeals in Barbados, and desire from you in writing what you have to say thereupon. [C.O. 29, 8. p. 200.]

Aug. 25. **915.** Journal of Council of Trade and Plantations. Sir Bevil Granville, Mr. Bridges and Mr. Heysham attending, the Order of Council relating to the application of the 4½ per cent. was read. Mr. Bridges acquainted the Board that he believed there would be no great occasion for small arms at present. And as for the other stores, he promised to bring his opinion in writing this day sen'night.

Order of Council, July 9, relating to the clause in the Governor's Instructions for regulating the method of appealing in Barbados,

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was read. Mr. Bridges desiring a copy that he might give his answer in writing, it was ordered to be sent him accordingly.

Letter from Lord Cornbury, Philadelphia, June 3, read.  
[C.O. 391, 15. pp. 189, 190; and 391, 96. No. 145.]

Aug. 25. **916.** Minutes of Council [in Assembly] of Barbados. There not being a quorum, adjourned till to-morrow.

Aug. 26. Ordered that a flag of truce be sent down forthwith to Martineco to know upon what terms they will bee with us about prisoners, which are or shall be taken; and further to enquire into the reasons why Jonathan Sisson, a subject of the Queen of England, was taken by them, with his vessel lying at anchor in one of the Bays belonging to H.M. Island of Domineco, and kept as a prisoner, before any account arrived in these parts of a war, and afterwards sent to France. Ordered, that Augustine Burke, who is well acquainted with the French tongue, be appointed to go down in the said flag of truce, and that he observe such orders and instructions as the President shall think fit to give. The General Assembly, attending, said they had consented to the payment of the rent for the Governor's house, according to the agreement with Mr. Pilgrim; to pay Capt. Thomas and Capt. Bullard for carrying dispatches, etc.; to pay for the maintenance of prisoners already brought up, but for the future desired that such prisoners of war as should be brought in might be put on board the outward bound ships, or maintained by the Captor. They recommend Capt. Philipp Kirton as a fit person to go to Martineco with the flag of truce. They were answered that Mr. Burke was already appointed. They recommend a review of the stores of the Magazine, and that a particular charge might be given that the Act for encouraging Privateers might be put into execution, and that there may be no delay of the condemnation of prizes brought in; that to prevent any disputes that might arise about the Act for continuing of officers for six months after the demise of the King, etc. a Bill is preparing by them to continue all officers, etc. here till H.M. further pleasure be known; that an order pass for pressing of guns and men, etc. for fitting out two vessels of war for H.M. service, and the defence of this island, which they had taken up, and agreed for, by a Committee of their House and some of the merchants. Mr. Speaker excused their proceeding so far without some of the members of this Board joyned with them, but this Board not sitting at that time, and the present emergencies requiring all possible expedition, did request that they would not take it amiss. The President and Council advising with the Attorney and Solicitor General, whether it were lawful to press men, etc. for fitting out the above vessels, they affirmed that it was lawful and justifiable, it being for H.M. immediate service and the public good of this Island. Ordered that the Press warrants issue accordingly.

The Assembly delivered a Bill to raise a levy for repairing the fortifications and breastworks, which was read twice and sent back to the Assembly, with some amendments; also, a Bill

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for fitting out vessels of war, which was read twice, and sent back to the Assembly with several Amendments.

The Assembly agreed to the payment of liquors ordered to be laid in for H.E. (July 1st).

The Assembly moved that Capt. Kirton might go down to Martineco in place of Mr. Burke. Mr. Burke having been appointed, the President did not think fit to alter his resolution unless some just objection were made to Burke.

The Assembly having recommended to the Board that Capt. Maycocke offered his sloop to go out in the country's service for a fortnight provided he might be furnished with stores and ammunition out of the Magazine to fit her out, the Board were of opinion they could not grant any such order without an Act for that purpose.

Mr. Benjamin Cryer and Samuel Cox were appointed Commissioners of Accounts and were ordered forthwith to view and report upon the public stores.

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Amended Bill for fitting out vessels of war, returned by the Assembly with their concurrence, was read a third time and passed.

The Assembly attending, desired that an Order be drawn for the payment of 2,500*l.* to Wm. Holder and Wm. Heysham, on behalf of such persons as advance the money for the purposes mentioned in the aforesaid Act, if the payments amount to so much. Ordered accordingly.

The Assembly presented a Bill for the better settlement of this Government till H.M. pleasure be known, and a Bill for the remittance of the duty of prize liquors.

Mr. Speaker recommended Wm. Roberts to go down in the flag of truce, Capt. Kirton and Mr. Burke desiring to be excused; which was ordered accordingly. He also recommended that the President would consult the Commissioners appointed for taking up the vessels about Instructions for the Commanders thereof.

The President recommended to the Assembly that care might be taken for maintaining some Spanish prisoners brought in this day by Capt. Alexander Forrester, and other French prisoners brought in before.

The Bill for continuing officers was read three times and passed. Bill for the remittance of the duties of prize liquors was read three times and passed, but Wm. Sharpe, one of H.M. Commissioners of Customs here entered his dissent thereto, and afterwards acquainted this Board that it was usual for prizes to pay duty to H.M., and Capt. Charles Thomas, H.M. Receiver of the casual Revenue, did the like.

Stores (*enumerated*) ordered to be delivered out of the magazine for the use of the brigantine *Madera* and sloop *Constant Jane*, taken up for the public service. [C.O. 31, 6. pp. 255-262.]

Aug. 25.

**917.** Journal of Assembly of Barbados. Act for raising a levy for the use of the fortifications, read a first time.

Resolved that a levy of 6*d.* a head on negroes, be raised for a fund for setting out ships of war, and also that 6*d.* per tun on

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every ship arriving to this island shall be levied, and that the said money shall be solely for the discharging the money raised and lent on this occasion, and that an Act be drawn for repaying the money borrowed within one year, and that the money raised on negroes shall be paid one year hence, and the tunnage levy to cease at the end of one year, the said tunnage to be according to the rule for payment of powder. If the said two levies be not sufficient to answer the money raised, this House will enact another to complete the same, etc.

Aug. 26. Absent Members fined. Wm. Heysham freely and generously proffered to advance ready money to such officers, marriners and soldiers (immediately after condemnation), on their bringing in any of the Queen's enemies, according to the Act for raising a levy for setting out two vessels of war. The House gave him the general thanks for such his generous offer.

Resolved that the Commissioners be empowered to press all necessaries for the vessels and pay for the same.

Ordered that Mr. Chearnley lay before the Commissioners for taking up the said vessels an account of the 4,000*l.* for taking up the *William* and *Spye*, galleys.

*And see preceding abstract.*

Aug. 27. Some of the absent Members were by letter excused, and others fined.

Amended Bill for fitting out ships of war, passed.

Bill, for continuing persons in office till further notice, read and passed.

Bill for the remittance of the duty of prize liquors, read and passed.

Resolved that the Speaker move the President and Council, that an order pass for 2,500*l.* sterl., upon the encouragement of the Act for fitting out vessels of war.

Resolved, that all prisoners that shall be brought here that belonged to any merchant ships of the enemy, shall be maintained at the charge of the captors, commissionated and fitted out as privateers, not exceeding 14 days, but all such as shall be taken in vessels of war, shall be maintained at the charge of the public. [C.O. 31, 6. pp. 478-482.]

Aug. 25. **918.** Minutes of Council of Virginia. H.E. laid before the Council the Lists of Militia and fifth men. He proposed to hold a Council of War of all the field Officers for settling rules to be observed in case of invasion. He was in hopes to have had all the Council here, that so something might have been done at this time.

The Council advised that Capt. Moodie pursue his former orders, and that there is no need of new ones at present. [C.O. 5, 1409. pp. 253, 254.]

Aug. 26. **919.** Lt.-Governor Beckford to the Council of Trade and Jamaica. Acknowledges receipt of letter. The Governor of New England has sent two other pacquets, one for General Codrington and another for the President of Barbadoes, but I

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must wonder that he should send them to this Island, whereas we may not have a vessel from our Port to the Windward Islands or Barbadoes in 7 years, but from the Northern Colonies they have daily opportunities. The most expeditious way that I can think of will be to send them back again, either to New York, New England, Pensilvania, or some other of those Colonies. We had the news of the war both from Barbadoes and Antigoa, so that I hope no hast is required in the expediting of these pacquets. *Signed*, Pe. Beckford. *Endorsed*, Recd. Nov. 25. Read Dec. 1, 1702. 1 p. [C.O. 137, 5. No. 81; and 138, 10. pp. 390, 391.]

Aug. 26. **920.** Duplicate of preceding. 1 p. [C.O. 137, 5. No. 82.]

Aug. 26. **921.** Minutes of Council in Assembly of Virginia. Report of the Committee for appropriating the rooms in the Capitol, etc. agreed to.

Lists of Militia sent down to the Burgesses, with a message from H.E. inviting any proposals from them.

Upon reading the Book of Claims of the Assembly, Aug. 1701, Benjamin Harrison and Robt. Carter objected against that article of 10,000lb. of tobacco and cash to the Speaker of the House of Burgesses, because the said allowance hath been discontinued ever since 1695, and they did not think it reasonable to revive it now. The vote was therefore disallowed, Mr. Secretary Jenkins dissenting. H.E. said he thought the Book of Claims with that very article was allowed in August upon the Burgesses allowing 146l. 8s. 3d. of extraordinary charges and 63l. for the land of Government House, which two articles H.E. hath told the House of Burgesses he doth not now insist on, having recd. no orders from England about them, and therefore he is of opinion the said Book is past, and that the House of Burgesses are the most proper judges of the merit and rewards due to their own officers, and it hath been for much longer time allowed than disallowed, and what reasons they had for so doing are best known to themselves. This article hath been allowed by two Houses of Burgesses one after another, and if upon its not being allowed here the House of Burgesses should refuse to pass the whole Book of Claims, it will be a grievous oppression upon the subject, ther being two years' claims due, and may in some sort endanger the peace and quiet of this H.M. Colony and Dominion, and the sum of 10,000lb. of tobacco will not amount to  $\frac{1}{2}$  lb. per pole.

The Council agreed to the Book of Claims, with an amendment that the 10,000lb. referred to be expunged.

The Burgesses sent up a resolution that they would not recede from their grant to Major Peter Beaverly, the Speaker.

An Ordinance for the defence of the country in time of danger, sent up, was agreed to.

The Burgesses attending addressed H.E., expressing their appreciation of his prudent administration, profound zeal, and repeated civilities to them. They joined with H.E. and Council

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in hearty prayers for the preservation and victory of H.M., etc. H.E. returned thanks.

The Council considered the resolve of the House of Burgesses upon the Amendment to the Book of Claims. H.E. acquainted the Council that in passing the Claims, he demanded a privilege to sit and vote as President of the Council. Resolved, that the Council agree to the Book of Claims with the exception of the article referred to, which they propose may be submitted to the determination of the Lords Commissioners for Trade and Plantations, and in the meantime that the levy be laid without it. The Burgesses returned a resolve that they did not agree to that proposition of the Council. "We made the allowance to our Speaker now objected against with as mature consideration as any other part contained in the Book of Claims. That allowance hath passed this House three times, and we give it as a consideration for his faithful services to H.M., this Government and this House, and we esteem it within the bounds of our privileges. We hope your honours will no longer dispute it with us, but agree to that as well as the rest, that this Session may thereby be brought to a friendly conclusion."

Aug. 27. Petition of Mr. Secretary Jenkins referred to the Burgesses.

Answer returned to the Burgesses' reply concerning the allowance made to their Speaker, that the Council did not agree thereto ; that it is an inherent privilege in H.M. Council, either to concur or disagree to the Book of Claims, as far as they see cause, and no instances can be given that ever Book of Claims passed without concurrence ; that it is the opinion of the Council that they have good reason for their present disagreement to the allowance, for that no such charge hath been laid upon the Public for several years passed, and was discontinued by the Burgesses themselves in 1695, and in the several succeeding Assemblies resolve upon resolve hath been made that such allowance should never be given for the future ; to revive it now will be a disservice to the country. The Council thereupon desire the House no longer to insist on it, submitting it to be considered where the fault will light if the Public Levy be not now laid and this Session come not to a speedy and friendly conclusion.

H.E. sent a written Message to the House of Burgesses that the "reasons the Council have given do not seem to me sufficient to vacate the privilege of giving 10,000lb. of tobacco to Yr. Speaker. I am heartily sorry for this difference. Every day of the Assembly's sitting is a great charge to the country, and I suppose you dispatch'd everything else. I shall be extreame glad that there could be an expedient found to bring this Session to a friendly conclusion, and it shall be esteemed a piece of extraordinary happiness if I can be in the least anyway instrumental therein."

The Burgesses sent down their Proceedings thereupon. The Speaker, after referring to the "unpresidential (*sic*) stiffness" of the Council, proposed to return the gift of the House, in order that they might lay the levy, etc. but should pass a Declaration that it was their privilege, and to preserve the right to future

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ages. The House resolved that it was undoubtedly their right to gratify their Speaker, and reward their officers as they shall think suitable; that there was no precedent of the Council's refusing to agree with the House in gratifying their Speaker; that the Council not agreeing to the allowance is a denial of the privilege of the House; and that the House agrees to expunge it out of the Book of Claims at the instance of the Speaker, and purely to save the charge of sitting any longer, for the ease of the country, and to the end that the publick debts may be paid, but that they will not thereby be said to have parted from this point of privilege.

The Council agreed to the Book of Claims as amended. Resolve of the Burgesses agreed to. "to give 8s. a hundred for tobacco and cask so far as the 600 pounds taken out of the imposition fund for easing the levy will reach."

Mr. Treasurer's Accounts sent up, were read and returned.

Aug. 28. H.E. having summoned the Assembly thanked them for their Loyal Address to H.M. " You have anticipated my design of recommending to you to be diligent and vigorous for H.M. service in your several capacities. . . . If there should be any sons of Belial that have or would endeavour by false, scandalous and malicious reports, insinuations and innuendoes against myself or others to disturb the peace and quiet of this Colony, I pray God frustrate their designs, etc. ; and if any go about in the least to separate H.M. interest and service from that of this her Colony and Dominion, let him be Anathema, Maranatha." He returned thanks for their Address to himself, and thanked them in H.M. name for agreeing to the proposal to accommodate the affair relating to the Speaker's allowance.

The Burgesses sent up an Address of thanks to H.E. for his message of yesterday, and his support of their priviledges.

Two orders for payments out of the Imposition funds, sent up, were agreed to.

Bill for raising a public levy, sent up, was agreed to and sent down. The House attending, the Speaker addressed H.E. " The House attend your Excellency with several Bills agreed upon this Session, most of which, metaphorically compared, may be said to be scions of your Excellency's speeches now grown up into trees adorned with several branches." Acts, for the regulation of ferries, the dispatch of public express, and for the speedy transporting of forces over rivers and creeks in time of danger; prohibiting the harbouring of seamen on shore; and laying a public levy; and an Ordinance of Assembly for defence of the Country in time of danger, were signed by H.E. who then dissolved the Assembly. [C.O. 5. 1409. pp. 649-661.]

Aug. 26. 922. Journal of House of Burgesses of Virginia. *See preceding abstract.*

Report of the Committee appointed to consider of appropriating the rooms in the Capitol was agreed to. *Details given,* with the following resolutions:—That the whole building be paled in 24 ft. distance from the sides and ends with sawed plank good locust or cedar posts with good rails; that the square of

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475 foot set apart by the Law for the Capitol to be built upon be meated out, and that no building whatsoever be erected thereon ; that the rules of the prison be the lot that the prison stands upon, and the said square of 475 *ft.*

Aug. 27. *See preceding abstract.*

Ordered that it be referred to the consideration of the Committee appointed for Revisal of the Laws to ascertain a reasonable fee to Mr. Secretary for Military Commissions, and how and by whom they shall be paid.

Ordered that Mr. Treasurer take care that Hancock Custis and Richard Lee be sworn to their accounts, and that he receive the debt due from Corbin Griffen's estate. Mr. Treasurer's accounts considered and sent up.

Committee appointed for proportioning the Public Levy, who reported that it amounted to 4*lb.* tobacco per pole.

Bill for raising a public levy read three times and passed.

Aug. 28. *See preceding abstract.* [C.O. 5, 1408. pp. 469-484.]

Aug. 27. **923.** William Penn to William Popple. Friend Popple, I 27, 6m. (Aug.) have thyn of the 14th. The person on whose acct. it was writ, Warmingst. as ye inclosed papers tell me, is so beggerly and base a man, that

I was sorry to finde time lost upon him. To be sure I resolv'd not to wave my own more valluable affairs to attend his storys. I have too many witnesses of his character to produce, to be solicitous of the success of his accusations or petitions. Yet if the Lords think it worth their while to hear us, tho I must, [*? think it*] time thrown away, I will waite upon them when I come to town, which will be in a week or two. *Signed*, Thy assured Friend, Wm. Penn. *Endorsed*, Recd. Aug. 31, Read Sept. 3, 1702. *Holograph*. *Addressed*. Sealed. 2 pp. [C.O. 5, 1261. No. 151.]

Aug. 27. **924.** Minutes of Council of the Massachusetts Bay. A collection of intelligence from France, etc. drawn out of the French papers and letters taken in a prize ship lately sent in by Capt. Thomas Larrimore, Commander of a private man of war, was read at the Board.

H.E. acquainted the Board that he had received a letter from Major John March, Commander of H.M. Fort at Cascobay, giving an accompt that a considerable number of Indians had lately been there, and that they seemed to be in good temper, and expressed their resolutions to continue peace with the English, notwithstanding the war with France.

H.E. acquainted the Board with his intention to set out on a journey to Rhode Island on Munday next, in order to his visiting of that Colony and the Narraganset Country or King's Province, and settling of the Militia and Forts there, according to his Commission, and proposed that some of the Council do accompany him. [C.O. 5, 788. p. 192.]

Aug. 27. **925.** Minutes of Council of Virginia. Major Arthur Allen, Samuel Thomson, Wm. Edwards, and Joseph John Jackman were added to the Commission of Peace for Surrey County.

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Whereas upon perusal of the survey and platt of land laid out for the Chickahominy Indians, H.E. and Council, judging it not for H.M. interest to allow such a large tract to them, thought fit to lay the survey before the Burgesses, who by their resolve of the 24th have referred to the General Court to decide all doubts arising from the land being so laid out, Ordered that the Sherrieffs of the adjacent counties make publication that the sixth day of next General Court is appointed for determining all such doubts, disputes, etc. Notice also to be given to the Indians.

The embargo laid on ships July 15 was now taken off.

Bertram Servant and Henry Royal were added to the Commission of the Peace of Elizabeth City County.

Mr. Treasurer Carter made oath to his accounts.

Aug. 28.

H.E. asked if there were anything further to offer to the Burgesses.

Order signed to the Clerks of the County Courts to give to the Commanders in Chief copies of the Acts for strengthening the frontiers, concerning transporting forces, etc. concerning seamen etc. Order signed directing Collectors and Naval Officers to secure seamen belonging to any wreck and carry them on board H.M. ships of war. Order signed and directed to be published that no seaman be discharged from his ship without notice first given to H.E. [C.O. 5, 1409. pp. 254-258.]

[Aug. 31.] **926.** Agents of Barbados to the Council of Trade and Plantations. Before we can lay before your Lordships what guns, etc. would be most proper to invest the money out of the  $4\frac{1}{2}$  per cent. in, we find it necessary to know first what nature and length of guns the Office of Ordnance can furnish us with, and so to concert the value of them with that Office, which we have not been able yet to do, though we have solicitously endeavoured it. *Signed*, Francis Eyles, Robert Heysham. *Endorsed*, Recd. Aug. 31, Read Sept. 3, 1702. [C.O. 28, 6. No. 80; and 29, 8. p. 201.]

**927.** Certificate of security given by Robert Johnson and Thomas Cary in 2,000*l.* for Nathaniel Johnson, Dep. Gov. of Carolina. *Endorsed*, Recd. 1, Read Sept. 3, 1702. 1 *p.* [C.O. 5, 1261. No. 153; and 5, 1290. p. 213.]

**928.** Earl of Clarendon to [the Earl of Nottingham]. Having been confined ever since I was with your Lordship by a severe fitt of the strangury, will make my excuse for not wayting on your Lop. at this time. I give your Lop. many thanks for the list you sent me of the members of Councell of New Jersey; not knowing anything of that country myselfe, I have advised with some here of that Province, and particularly with Col. Basse, who hath given me his remarks upon six of them;—whether it be fitt upon this new settlement of the Province of East and West Jersey to putt Quakers into the Councell, when there is choice of other men, I submit to your Lop. Col. Basse has desired me to move your Lop. something in his behalfe, concerning some

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alteration to be made in his warrant of Secretary, wch. I cannot better represent to your Lop. then by laying before you his letter to me etc. *Signed*, Clarendon. *Holograph*. 1 $\frac{3}{4}$  pp. *Enclosed*,

928. i. Remarks by Jeremiah Basse on the Council of New Jersey. *Edward Hunlock*, in the time of my administration proved to be an encourager of pyrates, being their trustee for their cash, and very much in the Quaker interest. *Saml. Jennings*, a bigoted Quaker, Preacher etc. *Francis Davenport*, a Quaker and Preacher. *William Pinhorne*, formerly of the Council and Judge of New York, but turned out by Lord Bellamont for some ill practices. *Saml. Leonard*, a man of no estate, complained of by the country, and a zealous stickler for the Quakers. *George Deacon*, a Quaker Preacher. *In the room of these*: Major John Berry, Daniel Coxe, jr., John Royce, Capt. John Jewell, Collector of H.M. Customs, Edward Slater, Col. Richard Townely. 1 p. [C.O. 5, 980. Nos. 31, 31.i.]

Sept. 1.  
Bermuda.

**929.** Lt. Gov. Bennett to the Council of Trade and Plantations. Since my last. I have perceived so much alteration in the report and behaviour of Mr. Larkin that I am apprehensive of some misrepresentation from him, but I doubt not your Lordships' justice in letting me know, if anything be form'd or alledged against me. This Gentleman now assumes an authority over all officers, and everybody, not so much as allowing me a superiority, for he has told me when sitting in Chancery that he was equal in Commission with me, and truly one would have thought he had had a better, considering his extravagant expressions, which I am ashame'd to particularize, because I did not show a suitable resentment, which nothing but preventing him proceeding farther on the business he is employ'd in could have preserved him from. By what prevailing or undeniable argument, I can't be positive of, but instead of his usual way of reviling Col. Day, with his characture abroad, and his indirect ways in getting of money here, he now espouses him in all his affairs, and att a Court of Chancery (amongst many other irregularities) in a haughty manner made a declaration that noebody had been with him to complain against Col. Day, and that he took all their presentations to be malicious, and added, if any persons had anything to say to Col. Day, he was ready to hear them. One of the Council said to Mr Larkin, what would it signify to complain to you? He answered, he would doe the people justice. I then asked if he had a Commission or Instructions to examine into Col. Day's miscarriages, and if he had, I desired to see them, to which he replied, he would show me neither his orders nor instructions, neither has he, but what relates to the trial of pirates. Pardon me, my Lords, if I concluded by Mr. Larkin's refusing to show me his orders, that he has exceeded them, and consequently must make some pretence for his unwarrantable proceedings, and that I may not suffer under any imputation, I beg leave to affirme, I omitted nothing from the time of his landing that

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might either show him respect or doe him service, tho' he pretends I once omitted calling for a chair when he came upon business to the Councill, the neglect of which gave him the opportunity of behaving himself, the next time he came to the Board, very unbecoming in his expressions, notwithstanding I protest to your Lordships, when he came in, I pointed to the chair where he satt all the morning before. As for discharging the trust reposed in me, I hope that has been performed both honestly and industriously and according to what was expected from me, and I think in this I am safe in Mr. Larkin's opinion, for in particular he has friendly advised me not to take that constant pains, as he observed I did, about compleating the fortifications and disciplineing the Malitia, for fear of prejudicing my health. And as for what can be pretended against me, relating to my predecessors, I have often acquainted your Lordships I never refus'd him anything I could grant in justice and reason, notwithstanding which I find there are contrivances on foot to persuade your Lordships into another opinion of me, for I am further inform'd of another part of Mr. Crain's letter to Col. Day, mentioned in my last, which says, We have heard how your brother of Bermudas has served you, about the House, Church Plate and Silver Oar, but your father and brothers are goeing up to London, and will leave noe stone unturned to get you justice. My Lords, it's very crewell I should be accused of doing this gentleman wrong about his house in dispute between the King and him, when I had nothing to do with the tryall, for when that letter was writt, it had only been heard att Common Law, but now he has appealed from the Chancery to the King and Council, and I was soe kind to him, that I told him he should not be disturb'd in his possession till it was heard and determin'd in Egland. As for the Church Plate and Books, when I apply'd to my Lord Chamberlain for furniture to the Communion Table and Chappel, my Lord told me I must be contented with such as was sent with Col. Day, upon which his indenture was deliver'd to me, out of the Jewell Office, which I was to return to him, when he deliver'd me the plate. And as for the oar, Col. Day, soon after my arrival, told me it was his, upon which I sent it him, but he returned it again by the Sheriff, desiring me to accept of it, but I refus'd, saying if he would let me pay what it weighed, (which I believe is about 17*l.* in money) I would have it, to which the Sheriff brought me this answer, that it was of no use to him, therefore desired I would keep it: so that those complaints will appear both ungenerous and unjust. This busie gentleman, Mr. Larkin (amongst espousing the concerns of the malecontents, I mean the officers and favourites in Col. Day's time) has undertaken the affair of the late Sheriff, Mr. Jones, and gives him great assurance (as I am credibly informed) of procuring his reinstatement. I hope it will not be thought ill-natur'd, if I remind your Lordships of his behaviour to me, for as to my particular, I would willingly forgive him, would it not reflect on my reputation both here and abroad, and with submission, I think it will be very inconsistent with H.M. service and quiett

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of this place, to have a person Sheriff, who has differ'd with the whole Country.

Having received advice from most Governments in America that the Queen had long since been proclaimed, I design, if the Council agrees with me, to perform that ceremony on Thursday next, and repeat it when I receive my orders. *Signed*, Ben. Bennett. *Endorsed*, Reed. 28, Read Oct. 30, 1702. *Holograph*. 4 pp. [C.O. 37, 4. No. 4; and 38, 5. pp. 295-299.]

Sept. 1.  
Whitehall.

**930.** William Popple jr. to the Agents of Barbados. There not being a quorum of Commissioners at the Board this morning, the reading of your letter was necessarily suspended. But, however, the two then present have commanded me to send you the enclosed copy of an Order of Council, which they received this day, and to desire you to consult with the persons concerned, and to let them have your opinion therein, on Thursday next in the morning, if it can be done conveniently. [C.O. 29, 8. p. 200.]

Sept. 1.

**931.** Minutes of Council in Assembly of Barbados. Alexander Walrond, Thomas Horne, and Capt. John Jones granted leave to go down in the Flag of Truce for recovery of their healths.

Petition of Capt. Alexander Forrister, Commander of the private man-of-war, *Seaflower*, praying to be eased of the charge of maintaining upwards of 60 French and Spanish prisoners, recommended to the Assembly.

Error brought by Miles Toppin, to reverse a judgment obtained against him April 24, 1702, in the Court of Common Pleas, St. Michaels, upon an action of detinue brought by John Summers, found good, because the judgment was not confirmed during the continuance of that Act.

Error brought by Joseph Harrison found not good. Judgment confirmed.

Ordered that the Attorney and Solicitor General forthwith report to this Board what duty is to be paid to H.M., or what part is due to H.M. for prizes brought in by privateers.

Petition of John Sutton and William Martindale, executors of John Gubbins, setting forth that there are several actions commenced or to be commenced in the Court of Common Pleas of St. James's, at the suit of Mary Jones, widow, for lands and negroes which were the estate of John Gubbins, and that Mary Jones had taken up all the Council learned in the Law and Solicitors, except Michael Glyd and John Legan, and they would not take the burthen of the defence of such causes without some other Council were joined with them, and praying that either the Attorney or Solicitor General or any other Council might be joined with them, dismissed, for that the matters depending did not lie properly before this Board. [C.O. 31, 6. pp. 263, 264.]

Sept. 3.  
Whitehall.

**932.** Council of Trade and Plantations to the Earl of Nottingham. *In answer to letter of Aug. 12. q.v.* As to New York,

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the division of that Province having been very great, and we daily expecting to be informed from my Lord Cornbury how the present state of things are there and what will be the best method of reconciling the inhabitants, we think it most for H.M. service that the nomination of Counsellors be defer'd till we receive such information. To which we add upon this occasion, that it has been constantly given as a clause in all Instructions to Governours that the members of their respective Councils should be men who have good estates, and we do not hear of any estate that either Mr. Bass or Mr. Cox has in that Province. As to the said persons being of the Council of New Jersey, we have already inserted in Lord Cornbury's Instructions for that Province the names of 12 persons, which were after much contest between the Proprietors of the East and West Division agreed on unanimously by both parties, and which was in some measure a condition upon which they have surrendered. We think it therefore for H.M. service to keep to the nomination of those persons, and are apprehensive that any alteration at present may renew their former animosities in that Province. As to the number of 12, we are restrained by an Order of Council, and whereas to that number Col. Quary is added in New Jersey, it is only to enable him the better to execute his office of Judge of the Admiralty, as H.M. service may occasionally call him thither, he not being from thence reckoned a standing Councillor in that Province. *Signed*, Dartmouth, Robt. Cecill, Jno. Pollexfen, Mat. Prior. 2 pp. [C.O. 5, 980. No. 30; and 5, 1119. pp. 205-207.]

Sept. 3. **933.** Journal of Council of Trade and Plantations. Order of Council, Aug. 24, concerning the 4½ p.c. in Barbadoes, read, and a copy sent to the Agents for their answer.

Order of Council, Aug. 24, about frigates for Barbadoes, read.

Letter from the Agents of Barbadoes read.

Certificate of security for Deputy Governor Sir Nathaniel Johnson read.

Orders of Council, Aug. 24, relating to the Bahamas, read.

Letter from Mr. Penn to the Secretary, Aug. 27, read.

Letter from Mr. Burchet, Aug. 25, read.

H.M. Letter to Governor Nicholson, Aug. 20, requiring him to defray the stores of war now sending to that Province, read.

Petition of Mr. Haistwell etc. read. Ordered that, when the Act referred to be brought to the Board, they have notice thereof.

Letter from Sir Robert Cotton read. Ordered that it be communicated to Mr. Champante.

Letter from Col. Quary, July 24, read. Ordered that in the next letter to him he be desired to send authentic copies of the grants referred to.

Letter from Governor Bennet, April 28, read. Ordered that it be again reconsidered. Papers enclosed laid before the Board.

Letter from Governor Bennet, May 26, read.

Letter to the Earl of Nottingham, signed.

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Sept. 4.

Copy of Sir Bevill Granville's Commission from H.R.H. to be Vice Admiral of Barbadoes, laid before the Board.

Memorial from Mr. Usher read. Copy ordered to be sent to Mr. Vaughan for his answer.

Mr. Powys having communicated to the Secretary a minute made by the Lord High Treasurer upon the Board's desire that the Acts of Trade should be reprinted viz. that the Acts are in the Books of Rates, which may be bought for a small matter, and put into the incidents, and their Lordships finding upon enquiry that the Book of Rates is out of print, and not to be had, ordered that a letter be writ to Mr. Powys to acquaint him therewith, and to desire him to move for the Lord High Treasurer's directions for reprinting 100 of each of the said Acts. [C.O. 391, 15. pp. 191-198; and 391, 96. Nos. 146, 147.]

Sept. 3.

**934.** Minutes of Council of Bermuda. Ordered that Her Majesty be publickly proclaimed throughout the Island.

At the Gover-  
nor's House,  
St. George's.

On a motion on behalf of Capt. Edward Jones, about his being protected by this Board from arrests and interruptions in attending his causes now depending in Chancery, it is the opinion of this Board, that it may be of great inconveniency for the future to parties concerned to grant the same, and there being no president for the same, this Board conceives they cannot allow of the said motion. [C.O. 40, 2. p. 49.]

Sept. 3.

Newport, on  
Rhode Island.

**935.** Minutes of Council of Rhode Island and Providence Plantations. H.E. Governor Dudley acquainted the Board with his Commissions as Governor and Vice-Admiral of Rhode Island and the Narragansett Country, and took the oaths appointed. The Governor (Cranston) and Council requested a copy of that part of H.E.'s Commission that refers to the command of the Militia, which was granted.

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H.E. observed to the Governor and Council that the Militia was by Act of Parliament vested in the Crown, and it was H.M.'s prerogative to dispose thereof as she should think fit, and he had shewn forth unto them H.M.'s Royal Commission under the Great Seal of England, appointing him to be Her Captain General of all the forces within that Colony etc., Her Commands under the Broad Seal not being to be disputed or controverted. Governor Cranston said that himself and Council had appointed Major Martindale to acquaint H.E. with their opinion upon what H.E. had shewn forth unto them yesterday. Then Major Martindale desired that the Recorder might read the clause in the Charter granted by Charles II unto the Governor and Company of the said Colony, referring to the Militia, which being done, he observed that the power of the Militia was one branch of the privileges granted by H.M. unto that Corporation, being intermixt with the Civil Government, and that the Governor and Council could give no result to H.E.'s demand without first advising with the General Assembly, which was to sit at Providence in October next, and then a presentation should be made to them of what H.E. had communicated to the Board,

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and an answer should be made. H.E. replied that he had nothing to do with an Assembly in that affair, but with the Governor and Council only.

Governor Cranston desired they might have copys of H.E.'s Commissions. H.E. said he did not think it proper to grant copys in loose sheets that might be put into a private man's pocket; but if Governor Cranston pleased to direct the Recorder or any Clerke to attend him at his Chamber with their Book of Records, he should have liberty to enter the said Commissions, and that H.E. would examine and sign them.

Col. Povey, Lt. Gov., took the oaths appointed.

H.E. and Lt. Gov. Thomas Povey subscribed the Test or Declaration before Governor Cranston and the Council.

H.E. issued forth his warrant directed to Major Martindale, Major of the Island Regiment, to cause his Regiment to appear in arms to-morrow morning.

James Meinzies, by direction of Governor Cranston, attended H.E. with paper books to transcribe H.E.'s Commissions. The transcripts were attested and returned.

Sept. 5.

Major Martindale waited upon H.E. at his lodging and excused his not executing H.E.'s warrant, for that by his Commission he was to observe the directions of the General Assembly or the Governor and Council of that Colony, and was sworne accordingly.

At noon H.E. with the Gentlemen that waited upon him from Boston departed from the Island and went over to Bristol.

Sept. 7.

H.E., attended by the Lt. Gov., Col. Townsend, Col. Byfield, with several other Gentlemen went from Bristol over to the Narraganset Country to King's Province and landed at Rochester, where they were received with all respect by the Gentlemen of the place, Capt. Daniel Eldridge attending with his Company in arms, and H.E.'s Commission from H.M. for the command of the Militia etc. of that country was there read and published. H.E. and Lt.-Gov. Povey took the oaths appointed and subscribed the Test. Then H.E. tended the oaths of Allegiance to the Officers of the Militia who cheerfully took it, and after them the whole body of the souldiers in arms. H.E. stayed there that night and treated the souldiers as the time and place would allow, and the next day directed his voyage homeward. *Signed, Isaac Addington, Secy. 3 $\frac{3}{4}$  pp. [C.O. 5, 1302. No. 1.]*

Sept. 4.  
Jamaica.

**936.** Lt. Gov. Beckford to the Earl of Nottingham. In my last, Aug. 25, I advised your Lordship that 22 sail of ships were seen of Porto Rico, and that I had thereupon dispatched away two sloops, one to the Admiral and another to the Rear Admiral with the advice thereof. These ships, as was suspected, proved to be Ducass his squadron. He had heard, I suppose, of the Admirall's having been at Hispaniola, and therefore did not (by what I have heard) come anywhere to an anchor there, but stood away for the Spanish coast, having sent down (as we are since informed) the merchant ships under his convoy for the Havana, and La Vere Cruz. It was supposed that Ducass would

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endeavour for Carthagena, having no harbour to secure him at Hispaniola, the Admiral therefore, from the advices received, took care to intercept him, and accordingly fell in with him, Aug. 19, of Rio la Hache, having then with him 7 men-of-war. Ducass had with him 4, from 60 to 70 guns, and two merchant ships: the Admiral fell immediately upon him and engaged, the enemy vigorously defending, but still endeavouring to gain their Port. However, the Admirall took from out their fleet a prize, which Capt. Walton brought into this Port with the *Ruby*, who had suffered in her masts and yards, the Capt. having behaved himself very well. There being but small winds for several daies successively, the Admirall as he came up with any engaged them, the French still endeavouring to avoid him. The 7th day after he first fell in with this squadron, about two in the morning, the Admiral came up with their sternmost ship of 68 guns, and so shatter'd her that she was altogether disabled, the enemy being forced to tow her off. That very morning the poor Admirall had his legg broak by a chain-shot, and not one of his fleet came in to his assistance, except the *Falmouth*, so that he was forced to stand the brunt of it. The Admirall, not at all discouraged at this, order'd his cradle upon the Quarter Deck, and gave the signall for his Fleet to fall into a line of battle, and fall upon the enemy, but instead thereof Capt. Kirkby in the *Defyance*, a ship of 70 guns, and of the same force with the Admirall's, comes aboard, hearing the Admirall was wounded, tells the Admirall he wondred that he should still persist to engage after a dispute of six daies, their men fatigued, and their ships shattered, or much to that purpose (whereas neither Kirkby nor Capt. Constable in the *Windsor* could bee said to have been engaged, and what shot they had received were only chance and random shott). The Admirall told Kirkby he believed it was his opinion, and would know that of the rest of the Captains, and accordingly made a signall for them to come aboard: when they were aboard, Kirkby and Constable, as is supposed, prevailed with the rest of the Captains to sign the inclosed paper, which I had from the Admirall with his answer to it, which proves their suggestions to bee notoriously false, so that the Admirall could not pursue the fairest opportunity that ever could bee hoped for or expected; for on board the French were the forces designed for the Spanish Ports, and the officers that were to carry on the Assiento. The French had but three ships left, the other being rendred useless, and wee had six no waies disabled, not one ship but the Admiral's (who had kill'd and wounded near sixty) having lost any number of men, I think no one above six. The Admirall charges all the Capts. except Capt. Fogg, Capt. Vincent and Capt. Walton with downright cowardice, and does I suppose design either to try them here, or send them for England. Never was poor gent. certainly so disserted by a parcell of . . . , unworthy I think of being ever trusted again with a further command. Had the Admirall engaged again, after those resolutions taken, I am afraid they would have left him a sacrifice to the enemy: he had nothing left to trust to

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but his own ship and the *Falmouth*, a small 4th rate; so that it pleased God to direct him for the best, and to conduct him safe into Harbour, where I hope he will speedily recover his legg. The French to bee sure have lost abundance of men, and their ships shattered. The Admirall will give your Lordship a more particular relation of this engagement then 'tis possible for, *Signed*, Pe. Beckford. *Endorsed*, R. Jan. 6 [1703]. 2½ pp. *Enclosed*,

936. i. Copy of Resolutions passed by the Captains under Admiral Benbow's Command. At a consultation held on board H.M.S. *Bredah*, Aug. 24, 1702, off of Cartagena on the Maine Continent of America, it is the opinion of us whose names are undermentioned, vizt. :—First, Of the great want of men in number, quality and the weakness of those they have. 2nd, The generall want of ammunition of most sorts. 3rd, Each ship's masts, yards, sailes, rigging and guns being all in a great measure disabled. 4th, The winds are small and variable that the shippes cannot be govern'd by any strength each shipp has. 5th, Having experienced the enemyes force in six dayes battle following, the Squadron consisting of five men-of-war and a fire-ship, under the command of Mons. Du Cass, their equipage consisting in guns from 60 to 80, and having a great number of seamen and soldiers on board for the service of Spain. For which reasons above-mentioned, wee think it not fitt to engage the enemy at this time, but to keep them company this night, and observe their motion, and if a fairer opportunity shall happen (of wind and weather) once more to trye our strength with them. *Signed*, Richard Kirkby, Sam. Vincent, John Constable, Xpher Fogg, Cooper Wade, Thoms. Hudson. 1 p. *On back*,

936. ii. Admiral Benbow's Answer to the objections made by the Captaines for not fighting Mons. Du Cass's Squadron. (1) For want of men, I am well assur'd there was not eight men kill'd in all the ships besides the *Bredah*. (2) The want of ammunition was only a pretence, for they had enough. (3) That of their masts and yards to be disabled is false, for every ship's masts and yards stood very well, and in a much better condition then the enemy's. (4) They say that the winds are small and variable, that our shippes can not be govern'd, which is erronious, for all that time there was a fresh gale of wind, and such an opportunity wee have not had in six dayes, wee being then along their side, and to windward of them, that a fairer oportunity could never happen'd to engage. (5) They say that they have experienced the enemy's force in six dayes battle; the *Bredah*, *Ruby* and *Falmouth* indeed has in some measure, but the rest would not or durst not come up. They tell you that the French Squadron consisted in five

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men-of-warr and a fire-shipp from 60 to 80 guns, which is likewise false, for those were but four men-of-war from 60 to 70 guns, and one of those was disabled so much that their Commadore was oblieged to tow her, and as to their numbers of seamen and soldiers, I believe, we pretty well thinn'd them. These are the reasons they give for not engaging the French, which are all a vision false and cowardize, which I doe averr. *Signed*, J. Benbow.  $\frac{3}{4}$  p. [C.O. 137, 45. Nos. 15, 15.i.]

Sept. 4.  
Bathe.

**937.** The Queen to Lt. Governor Bennett. Directing him to remit the fine of 50*l.* imposed upon Samuel Day, Feb. 25. *Countersigned*, Godolphin. *Endorsed*, Reed. Sept. 29, 1702.  $1\frac{3}{4}$  pp. [C.O. 37, 4. No. 5; and 38, 5. pp. 254, 255.]

Sept. 5.  
Bermuda.

**938.** George Larkin to the Council of Trade and Plantations. H.M. has been proclaimed. I have not as yet setled the proceedings for trial of pirates, but will do it in a few days. *Signed*, Geo. Larkin. *Endorsed*, Reed. 28th, Read Oct. 30, 1702. *Holograph*. 1 p. [C.O. 37, 4. No. 7; and 38, 5. p. 311.]

Sept. 5.  
Bermuda.

**939.** Lt. Gov. Bennett to the Council of Trade and Plantations. Having called a Council on Thursday last, I proposed the proclaiming H.M., which was unanimously agreed on, and the Queen was proclaimed here accordingly. Since mine of 2nd inst. Mr. Larkin had the assurrance to sware some persons to their affidavits, tho' myself and two Justices of the Peace were in town, which was on purpose to have an opportunity for a pretence to complain of my want of justice, and the matter is this:—On Aug. 27, one Ensign Russell came to me on behalf of himselfe and others, relating to some words that one Col. White had spoken reflectingly on them, and desired I would take their affidavits about it, to which I answered (Mr. Larkin hearing me) that I had made an Order that no depositions should be taken but when the party sworn against was by, but in cases where the Crown was concern'd; but said I would send for the Col. and then be ready to doe what they desired me, but for four days successively it blew so hard that few people ventured over a Ferry which leads to the Town, but on the 5th it was pretty calm, and some business preventing Col. White's coming to me, Mr. Russell told me he believed he would not be in town till the ship was gone (that brings this), to which I replied, if Col. White did not come the next morning by ten a clock, I would stay noe longer for him, but he was with me soon after the time, and sending to the ensign in order to take their affidavits, he told me Mr. Larkin had taken them, which surprised me, woundring how he was qualified, and sending for him, he shewed me a faculty from my Lord Archbishop of Canterbury. I told him my Lord Bishop did not give him that to affront Government with, to which he reply'd he could lawfully do it where Justice was delay'd, and this I suppose will be sent to your Lordships as a complaint against me, it being the only ground Mr. Larkin can find out since his

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arrival to frame one on, but I hope your Lordships will esteem him as a prejudiced person, but for what, and how Col. Day has prevailed upon him, I know not, but I beg your Lordships that I may know what account he gives of me and this place before it is confirmed for truth, that I may have an opportunity of justifying myself, for I know of nothing that I have done, but what's agreeable with justice and honesty. *Signed*, Ben. Bennett. *Endorsed*, Recd. 28th, Read Oct. 30, 1702. *Holograph*. 3 pp. [C.O. 37, 4. No. 7; and 38, 5. pp. 299-301.]

Sept. 7.  
Whitehall.

**940.** William Popple, jr., to William Vaughan. The Council of Trade and Plantations send you a copy of complaints against the Government of New Hampshire, received from Mr. Usher, and desire your answer thereunto as soon as conveniently may be. [C.O. 5, 910. p. 252.]

Sept. 7.  
Whitehall.

**941.** W. Popple, jr., to Mr. Powis. The Council of Trade and Plantations having made enquiry for the Book of Rates, as directed by the Lord High Treasurer, find it is out of print, and were it to be got, has not all the Acts in it. They therefore desire that 100 each of the Acts referred to be re-printed and sent to this Office, it being highly necessary for H.M. service that they be sent from time to time to the Plantations. [C.O. 324, 8. p. 182.]

Sept. 7.  
Bath.

**942.** Commission for John Yeomans to be Lt. Gov. of Antegoa. *Countersigned*, C. Hedges. 1 p. [C.O. 7, 1. No. 1.]

Sept. 7.  
At the House  
of Capt.  
Thomas  
Jenour.

**943.** Minutes of Council of Bermuda. This Board, taking into consideration the present conjuncture of affairs, and not having received any particular instructions from H.M. in their respective stations to act in H.M. Courts, and the time of six months from His Majesty's decease being now expired, according to the Act of Parliament in that behalf, they think it not convenient at present to hear or determine any cause now depending in the Court of Chancery until further orders from H.M.

A message was sent by the Board to George Larkin to desire his company, who accordingly was pleased to come, and took his place at the Board. Then H.E. moved for his advice in regulating and ordering the Court of Admiralty for trying of pirates. Mr. Larkin desired the day might be appointed to be on this day come three weeks. H.E. desired it might be sooner, so Mr. Larkin concluded on this day fortnight.

On this day was called John Rawlins, Marshall of these Islands, upon some information of several reflecting words spoken by Dr. Josias Starr against H.E. the Governor and Council; and being examined upon oath, deposed that last Council Day, Aug. 1, he heard Starr declare, as he was coming from the Council Board, that they were a pack of villains, and swore God d—n him. there was no justice done to Jones (who had a cause then tried). On the same evening Starr being on the Town Bridge in St. George's, deponent told him of his unworthy speeches towards the Governor

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and Council, to which he replied, No, the Governor is an honest Gentleman, but as for the others, they were a pack of villains, particularly Penniston, Walker and Spofferth, who were perjured villains as much as Ned Jones, and he would prove it and swear it and go to England and maintain it. He said that the Council were slaves and the sons of slaves, and their fathers were gaol-birds and Newgate birds, and were sent over here and sold for slaves. Which several words and such-like, Starr repeated next day on the same Bridge. This deposition was sworn to when Dr. Starr was present. Capt. Daniel Johnson gave oath that he heard Dr. Starr use the above language on leaving the Council, Aug. 18. [C.O. 40, 2. pp. 49, 50.]

Sept. 8.  
Whitehall.

**944.** Council of Trade and Plantations to Governor Codrington. Since our letter of March 24, we have received yours of April 3, 23, and May 10, 14 and June 4. We are too sensible of the irregularities in the Courts of Justice mentioned in the first of those letters, and do not doubt of your care to reform them in the best manner, and with all the speed you can. In the meantime we expect the best account you can give of the methods of proceedings in those Courts, according to what was directed by the Order of Council. As to an Attorney General, which you think so necessary for H.M. service there, we desire you to inform us what encouragement there is for sending such a one thither, whether any salary be settled for that place, or what may be expected to be raised, upon which we shall propose what may be most proper to the service. No judgment having past in the House of Commons upon the complaints of Mr. Mead and Mr. Freeman, you ought not to be alarm'd upon that subject. We will not doubt but that in your answer, required by Order of Council, you will be able to justify yourself in those matters. You may remain assured that in whatever comes before us relating to you, we shall always be ready to do you justice, and to vindicate your proceedings, so far as you shall enable us, by conforming to the Rules of Government. However, upon that occasion, we cannot but repeat the advice we have already given you, not to sit or appear in any of the Inferior Courts, nor much less to speak or interpose in the business that comes before them : for we cannot but think it irregular and lyable to ill constructions. We are sorry for Col. Elrington's death ; but without reflection on his memory, we must observe, that it was the duty of his place to have made use of the power of Government committed to him in punishing any insolence or misdemeanor against himself or others in a legal and judicial manner, and not personally to have made use of his cane or other weapon. For Governours are to be respected as acting by the Queen's authority, and are to enforce that respect only by a due execution of the Laws, by which they are sufficiently armed, as well in their publick as private capacities. They ought not therefore to vindicate the personal affronts put upon them by such acts of violence as are too frequently practised by others. As to your desire of leave to come to England for six months, or wholly to quit

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your Government, we have not thought fit to move the Queen in it, in the present conjuncture, when there is so great occasion of your courage and conduct in the defence of those Islands committed to your charge. And as you have not named to us any person to supply your place during your absence, we cannot on our part think of any so proper to serve H.M., and with whom that Government may be so fitly trusted. We therefore exhort you to continue rather to exert that vigour, which you have frequently exprest, in the occasions that may offer for H.M. service, and as we do not doubt but it will tend greatly to your honour, so we hope it will do likewise to your interest. As to Mr. Carpenter, we have told you already that the place of Secretary was granted to him without our having the least knowledge of it, till after the thing was done. But upon what we have laid before the Earl of Nottingham from your letters, we now understand that Mr. Carpenter is discontinued upon the renewal of Commissions to the Patent Officers in the Plantations, and that Mr. Larkin will succeed him. You are mistaken in your conjectures about the ground of enquiry relating to Courts of Admiralty. The copy of the Order of Council which we sent you upon that subject might shew you that the directions were general to the Governors of all the Plantations, and had no more particular relation to the Leeward Islands than to other Governments; and therefore neither did it require any more than a direct answer without further vindication of your conduct, which was not questioned. We have sent the account of your proceedings in proclaiming the Queen to a Secretary of State, that it might be published as should be thought fit, which was accordingly done. We desire you to take care that the powder duty in all the Islands under your Government be exactly levied in specie, and not sold or converted to other uses then those of the publick, in which manner we hope it may be sufficient, and leave room for employing a large part of the  $4\frac{1}{2}$  per cent. towards such other stores of war as may be necessary. H.M. having been pleased to renew your Commission, it has accordingly been dispatched by us, some time since, as also your Instructions, both which Mr. Cary has taken out, and we doubt not but he will take care to send them to you. And upon enquiry of Mr. Cary and Mr. Hutcheson into the state of the several Councils, we find some alterations or additions have been made by you, whereof we have received no account from you. Neither have you sent us any list of persons fit to supply vacancies in the several Councils. Both of which, therefore, we desire you would transmit to us by the first opportunity, and hereafter to be punctual in observing those and all other directions given you by your Instructions, which are to be the standing Rule of your Conduct. We enclose an Order of Council confirming three private Acts of 1701, and also a duplicate of the deed executed by Mr. Cary, that you may act according to the directions in the said Order. *Signed*, Dartmouth, Ph. Meadows, John Pollexfen, Mat. Prior. *P.S.*—Since the writing of the above letter, we have recd. yours of June 28, and are very sorry for your

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illness, especially in this conjuncture wherein your health is so necessary for H.M. service and the defence of the Islands under your Government. We hope this will find you perfectly recovered. We suppose that what we have writ in the foregoing letter will satisfye you that on all occasions we shall be ready to do justice to your Reputation. [C.O. 153, 8. pp. 66-73.]

Sept. 8. **945.** Journal of Council of Trade and Plantations. Letter to Gov. Codrington signed.

Order of Council, Aug. 24, relating to the defence of the Plantations, read. Ordered that letters be prepared accordingly.

Mr. Attorney General's Report upon the Acts of the Leeward Islands read. Their Lordships entered upon the consideration of the said Acts. [C.O. 391, 15. pp. 198, 199; and 391, 96. No. 148.]

Sept. 8. **946.** Minutes of Council in Assembly of Barbados. Capt. John Smith, Commander of the *Constant Jane*, acquainted the Board that the powder he received out of the Magazine was not good nor fit for the service intended. Ordered that it be exchanged for better.

The Assembly attending, the President acquainted them that it was highly necessary that some care should be taken for the maintenance of prisoners brought in at the public charge, it being too great a charge to lye upon the captors, and would be a great discouragement to the fitting out privateers.

Letter from Lt. Gov. Beckford, Jamaica, July 27, 1702, acknowledging receipt of letters, read.

Letter to the Commissioners of the Sick and Wounded Seamen ordered, signifying the approval of the Board of Samuel Cox in providing for them as John Walters used to do.

The President and Council having just reason for exceptions at some very unsuitable and undecent expressions used to them by the Speaker of the Assembly when they attended this Board at their last meeting, desire to know whether the Assembly give any warrant or authority to their Speaker to speak *extempore* what he shall think fit upon such occasions, and for the future the President and Council think it more proper that what the Assembly has to offer to them at any time, either by their Speaker or upon any message sent from the Assembly to them, may be delivered in writing, according to the manner and methods of the House of Commons. The Assembly returned answer that "It is the opinion of this House that the late Speaker hath done nothing contrary to the sense of the House; and until your Honour please to give the Assembly an account of the particulars the Speaker is charged with, they do not think themselves anyway further obliged to answer such a general allegation."

The Assembly sent up proposals concerning prisoners: (i) That Major Terningham be admitted to have three of the Spanish prisoners, one of whom to be of the merchants, and the other two the meanest of the prisoners to be transported hence to Bermuda, and from thence to the Havannah for the

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redemption of Englishmen held prisoners there ; (ii) that a letter be written to Capt. Tucker at Bermuda about the exchange of prisoners, for that some of the natives of that place are prisoners at the Havannah ; (iii) that the rest of the Spanish prisoners be delivered to such of the planters as are willing to take them, employing them in labour for their provisions, victuals and cloathes until such time as they shall be ordered to be returned by the country in order to their sending them off, and that the Secretary of this Island do take receipt of all such persons as shall receive them, to be employed by the inhabitants, and that such as shall be left be maintained at the charge of the public at 10d. per day, from Thursday next ; (iv) that the French prisoners be allowed 12d. per day from this day ; (v) that Dr. Durosseau be appointed to look after the wounded, and have all necessaries for them provided at the public charge ; (vi) that the same allowances be made for all French and Spanish prisoners brought in for the future, except those brought in by any merchant ship, and then they are to maintain them for 14 days, and afterwards such prisoners are to be maintained by the country ; and that the Capt. of every prize be allowed 2s. 6d. per day for his accommodation ; (vii) that the money be paid by the Treasurer from time to time ; (viii) that the Speaker represent to the President and Council the inconveniences of granting Commissions to privateers at this time, for that the vessels taken up for the service of this Island and defending our coasts do want sailors, and that therefore it be moved, that no privateers be commissionated till the publique be served, and that the Commissioners be impowered to take men out of the privateers or other vessels for manning of the vessels of war employed by the country ; and that such privateers as are already commissionated may not be permitted to sail till the vessels of war taken up by the said Commissioners be fully manned.

Complaint being made by Saml. Cox, a Member of this Board and one of the Commissioners of H.M. Customs here, that one Wm. Brittaine, Purser of H.M.S. *Kinsaile*, had most scandalously abused and reflected upon him and Charles Thomas, H.M. Receiver of Casual Revenue, and Edward Chilton, H.M. Attorney General, because that they, pursuant to their duty, had put a Custom House Officer on board a French prize brought in by the *Kinsale*, to take care that no embezzlement of the goods etc. should be made, until the same were legally condemned ; Brittaine coming on board had sworn that if he had been there when the Custom House Officer was sent, he would have sunk them, or the best man in the Island, before they should be permitted to come on board, for that they had nothing to do there ; that the Prize Office in England was laid down, and the prize was all to be delivered to the men that took her, and that he stood up for the men ; ordered that he be immediately brought before the Board in custody of the Provost Marshall, to answer the said complaint.

Jacob Stevens, the Custom House Officer on board, swore to the truth of the above.

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Wm. Brittaine said that he did reflect upon nobody but Mr. Cox, and still insisted upon his justification. This Board, being sensible of the ill-consequences if such practices should not be punished, and officers protected in the due execution of their offices, ordered that Brittaine be committed into the custody of the Provost Marshall until he enter into security before a J.P. himself in 200*l.* and with two securities in 100*l.* each, for his appearance to answer the same at the next Court of Grand Sessions and in the meantime to be of the peace and good behaviour, and H.M. Attorney General is hereby ordered to prosecute him.

Ordered that the Attorney and Solicitor General report their opinion to this Board, whether they have power to suspend Brittaine from his office for the said misdemeanour.

Capt. John Smith, of the *Constant Jane*, taken up for the country's service, having some complaints made of him by men that he pressed for her, by beating and other ill-treatment of them, being called in, expressed some indifference whether he held the said Commission, or not, and not giving any satisfaction why he so used them, it was ordered that his commission be taken from him, and that some other fit person be employed in his room.

Wm. Heysham granted 75*l.*, the value of three negroes executed for breaking into his house and stealing from him upwards of 400*l.*

Sept. 9. On the petition of Christopher Bull, and Lydia, his wife, and Mary Cooper, administrators of Mary Cooper decd., 50*l.* ordered to be paid in completion of former order, Feb. 1, 1698.

Richard Porter, Wm. Bizill, John Robinson and Elizabeth Porter, widow of John Porter, paid 15*l.* each for one year's salary, as matrosses to Denmark Fort and the Batterys to windward of Speights, ending March 2, 1698-9; and to Thomas Snooke, senr., and Thomas Snooke, jr., matrosses of two batterys at Six Men's Bay, for year ending March 2, 1697.

25*l.* paid to Robert Waite for a negro executed for killing another, Sept. 8, 1701.

Drawbacks on Madera and Rhenish wines turned sour allowed to William Leake, merchant, Jane Coilley, widow of Edward Coilly, and Peter Fleurian.

12*l.* 10*s.* paid to Robert Johnstowne for half the value of a negro executed Aug. 2, 1701.

Petition of Capt. Charles Thomas for payment for maintenance of 80 men for between 5 and 6 weeks, which he had procured for the brigantine *Madera* taken up for the service of this Island, referred to Assembly.

25*l.* paid to Mary Seaward, executrix of Malachi Seaward, for a negro executed for murthering another.

113*l.* paid to Charles Thomas for the hire of his sloop.

50*l.* paid to Edward Arnell for the use of his house for the sittings of Assembly, 1701, 1702.

The Council agreed to Proposals made by the Assembly about prisoners (*Sept. 8, above*); but did not consent to the first part of No. iii, it being contrary to custom for prisoners of war to be

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made to work, but the last part is consented to. That part of No. viii, where they desire leave to press men out of privateers, is not consented to, it being contrary to the Act for encouraging privateers, but agreed that none of the privateers be permitted to sail before the vessels of war taken up by the Commissioners be fully manned.

The Assembly desired a Conference, and therein moved that the Commission granted to privateers might be called in, as an expedient for procuring men to supply the vessels taken up for the service of the country. The Board considered it would be too great a discouragement to privateers, and of very ill consequence to this Island; but it is resolved that such privateers as are now in the Roads of this Island shall not have liberty to sail until the vessels of war in the country's service be fully manned.

Sept. 10. Bill for purchasing a vessel of war and maintenance of prisoners read three times and passed.

Message sent in reply to Assembly's answer about the Speaker (Sept. 8):—The President and this Board conceive the answer to be evasive, for the question was not whether Mr. Speaker had used any indecent expressions, but asserted as matter of fact, of the truth of which we did not doubt the apprehensions of the House so much as to suppose you to be insensible, but looked upon it to be an inadvertency of the Speaker, through indeliberation of the Speaker, which we were not willing at all to aggravate, nor to expostulate with the Assembly, but to prevent all indecencies for the future, and all mistakes and differencies that may happen by the suddenness of expression or the multitude of propositions not committed to writing. We desire to know whether the Assembly gave any warrant or authority to Mr. Speaker to speak *extempore* what he thought fit upon such occasions, and withal acquainted you that this Board thought it proper, that what the Assembly shall have to offer at any time, either by their Speaker, or any Message sent from the Assembly, might for the future be delivered in writing etc. which question and proposition are not so much involved in generals as to be incapable of particular answers; and we conceive that we are both obliged to comply with all proper methods that conduce to the expediting of the publique business, and to preserve a good understanding in the Government. [C.O. 31, 6. pp. 264-275.]

Sept. 8. **947.** Journal of Assembly of Barbados. Col. Richard Downes was chosen Speaker *pro tempore*. *See preceding abstract.*

Resolved, that leave be given to any Member of the House to bring in a Bill for raising Money, and that the like liberty be given to any other person to bring in a Bill.

Sept. 9. The House being called over the absent members were fined.

Resolved that if the Speaker acquaint the President and Council that the Brigat. *Larke* be set out in the country's service, that the security bond entered into by Major Jno. Trimingham, not to carry anybody off this Island without a ticket, may be vacated.

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Act for purchasing vessel of war read and passed.

*And see preceding abstract under date. [C.O. 31, 6. pp. 486, 487.]*

Sept. 8.  
Portsmouth.

**948.** Minutes of Council in Assembly of New Hampshire.

There not being a full Council, adjourned till to-morrow.

Vote relating to 200*l.* to be taken out of 250*l.* for the Agent etc. approved of.

Ordered that from and after 17th inst. it shall be in the power of all private sentinels of all watches, and in all garrisons within this Province after such watches shall be set, to command all persons whatsoever, that shall approach them, to stand three several times, and if such persons shall refuse, then the said sentinels and watches may fire upon them.

Petition of James Phillips read and referred.

The Assembly attending, the Lt. Gov. (Wm. Partridge) dissolved them. [C.O. 5, 789. pp. 320-324.]

Sept. 9.  
London,  
9th. 7ber

**949.** William Penn to the Council of Trade and Plantations. I have perused Gabriel Thomas's petitions, and doe averr I owe him no wages, nor was he ever taken by me into my service, nor do I withhould any land from him, or countenance any that do, but must think myself greatly abused by the clamorous tongue of this man, tho' it can, I know, last no longer than till he is known. Your assured and respectfull Friend, *Signed*, Wm. Penn. *Endorsed*, Reed. Read Sept. 10, 1702. *Holograph.* 1½ pp. [C.O. 5, 1261. No. 154.]

Sept. 9.

**950.** William Popple, jr., to Wm. Penn. I have received your answer to the complaints of Gabriel Thomas, which shall be laid before the Board to-morrow. I enclose, as directed yesterday, copies of my Father's letters to you May 19, June 23. [C.O. 5, 1290. p. 214.]

Sept. 10.  
Whitehall.

**951.** Journal of Council of Trade and Plantations. Letter from Governor Codrington, June 28, read. Postscript added to letter signed last meeting.

Letter from Mr. Penn in answer to the complaints of Gabriel Thomas read. Ordered that a copy be sent to Thomas, and that he be directed to make proof [*of*] the allegations in his petitions.

Orders of Council [Aug.] 23, relating to the Acts of the Leeward Islands, read.

Orders of Council [Aug.] 14, constituting Councillors of Virginia etc. read.

Order of Council [Aug.] 23, constituting a Councillor of Jamaica, read.

Sept. 11.

Letters from Lt. Gov. Beckford read. Extracts sent to Mr. Burchet.

Petition of several Creditors of Capt. Hasket read. Some of the said creditors, being present, added that there were several persons besides themselves to whom Capt. Hasket owed considerable sums of money, and who could not have justice of him by reason

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of his absconding. Whereupon they were acquainted that when anything relating to Capt. Hasket should come before the Board, their petition should be considered, and in the meantime they were told that it might be proper to lay their case before the Lords Proprietors.

Mr. Attorney General's answer to the queries sent him July 14, read. [C.O. 391, 15. pp. 199-202; and 391, 96. Nos. 149, 150.]

[Sept. 11.] **952.** Petition of Alexander Roberts and other Creditors of Capt. Hasket to the Council of Trade and Plantations. Petitioners furnished Capt. Hasket, two and a half years since, with goods for his ship the *Providence* galley. The day he left London in order for his Government he appointed petitioners to meet him at the Rummer Tavern, Gracechurch Street, and there to pay them, but the same morning early went down to Portsmouth to embarque. Petitioners deputed Parsons to go down there with an Admiralty writ to seize the said ship. But Hasket upon the coming up of Parsons and the officers in a boat to the said ship, did with other persons armed for that purpose present fyre-arms at them, and swore many oaths that he would sink the boat, if they offered to come on board, so that they were forced to a fruitless return. *Pray that* before Haskett's further proceedings before the Board in order to his being reinstated, petitioners may be heard etc. *Signed*, Alexander Roberts, James Tayler, Richd. Lee, William Beddard, Francis Parsons, James Fordham. *Endorsed*, Recd. Read Sept. 11, 1702. 1 p. [C.O. 5, 1261. No. 155.]

[Sept. 11.] **953.** *Memorandum* of letter from the Attorney General relating to the Admiralty Jurisdiction in the Plantations.  $\frac{1}{4}$  p. [C.O. 323, 3. No. 140.]

Sept. 11. **954.** Wm. Popple to Josiah Burchet. Enclosing extract from Col. Beckford's letter for the information of the Admiralty. [C.O. 138, 10. p. 366.]

Sept. 14. **955.** Minutes of Council of the Massachusetts Bay. The Assembly was further prorogued till Oct. 15.

The accompt of Elizabeth Monke, of Boston, Taverner, for a publick dinner, May 27, the anniversary day of election of Councillors, amounting to 10*l.* 15*s.*, was approved.

Accompt of soldiers' pay referred to a Committee. [C.O. 5, 789. p. 457.]

Sept. 14. **956.** Minutes of Council of the Massachusetts Bay. Copy of Proclamation proroguing the Assembly till Oct. 15. *Signed*, J. Dudley. [C.O. 5, 788. p. 366.]

Sept. 15. **957.** Council of Trade and Plantations to William Penn. H.M. has been pleased by Order in Council. Aug. 24, upon our Representation relating to the defence and security of all her Plantations in America, and upon particular consideration of

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your omitting to put her Province of Pennsylvania into any state of defence, notwithstanding the frequent instances that have been made to you on that subject, expressly to direct us to require you to take care that due preparations be made in H.M. said Province of Pennsylvania for the defence and security of the same against any attempt that may be made upon it by the enemy during this time of war. And likewise that in case of an invasion or appearance of imminent danger on the side of New York, you do forthwith send assistance to that Province, in men or money, according to former directions given you, which being thus signified to you by H.M. command, your punctual observance thereof is accordingly expected. *Signed*, Robt. Cecill, Ph. Meadows, John Pollexfen, Math. Prior. [C.O. 5, 1290. pp. 221, 222.]

Sept. 15. **958.** Council of Trade and Plantations to the Lords Proprietors of Carolina. H.M. has been pleased by Order in Council, Aug. 24, upon considerations relating to the defence of all her Plantations in America, and in particular of the danger to which H.M. Provinces of North and South Carolina are exposed in this present conjuncture, expressly to direct us to require you to take care that due preparations be made in the said Provinces for the defence and security of the same against any attempt that may be made upon them by the enemy during this time of war. *Signed*, Robt. Cecill, Ph. Meadows, Jon. Pollexfen, Mat. Prior. [C.O. 5, 1290. pp. 222, 223.]

Sept. 15. **959.** Council of Trade and Plantations to the Lords Proprietors of the Bahama Islands. Signify H.M. commands by Order in Council, Aug. 24, as in preceding. *Signed*, Rob. Cecill, Ph. Meadows, John Pollexfen, Matt. Prior. [C.O. 5, 289. p. 110; and 5, 1290. pp. 224, 225.]

Sept. 15. **960.** Council of Trade and Plantations to the Governor and Company of Connecticut. *Signifying H.M. commands of Aug. 24, as in preceding, directing that* "You take care for the defence of the Colony against any attempt that may be made upon it by the enemy during this time of war; and likewise that in case of an invasion or appearance of imminent danger on the side of New York, you do forthwith send assistance to that Province, in men or money, according to former directions given you on that behalf; this being H.M. express command, and your own interest in the safety of that Colony being also so much concerned in the observance thereof, your punctual compliance with H.M. pleasure in these particulars is accordingly expected." *Signed as preceding.* [C.O. 5, 1290. pp. 225, 226.]

Sept. 15. **961.** Council of Trade and Plantations to the Governor and Company of Rhode Island. *Giving similar directions to preceding.* *Signed as preceding.* [C.O. 5, 1290. pp. 227, 228.]

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Sept. 15. Whitehall.

**962.** Council of Trade and Plantations to Gov. Joseph Dudley. Her Majesty has been pleased by Order in Councill 24th Augst. last. upon our Representation relating to the defence and security of all her Plantations in America, to command us to write to you (as Governor of H.M. Provinces of the Massachusetts Bay and New Hampshire) in the most pressing manner. that you endeavour according to what has been proposed by Collonel Romer the Ingineer. that a good Fort be built at Pemaquid about the same place where the last stood, and for its better defence in case of an attack from the sea, that a Battery be raised on the next point of land, and a Redoubt or Round Tower in St. John's Island, and a new Fort in Piscataway River, where the present Fort now stands, to be such as the growing trade of that river and country requires according to the design thereof sent hither by Collonel Romer, as also a strong Tower on the Point of Fryers Island. a Battery on Wood Island, and another on Clark's Island. And we are hereupon further directed to acquaint you, that when the said fortifications shall be built. Her Majesty may be induced to send thither some great guns and other stores of war towards the finishing and for the use of the same; and also to require you that in case of an invasion or appearance of imminent danger on the side of New York, you do forthwith send assistance to that Province, of men or money, according to former directions given on that behalf. All which being thus signified to you by Her Majestie's express command, it is expected that you accordingly exert your utmost endeavours in doing whatsoever may be necessary towards the execution of Her Majestie's pleasure in the foregoing particulars, and especially in disposing the Councills and Assemblies of those Provinces under your Government to a concurrence with you in this matter wherein their own interest and safety are likewise so much concerned. *Signed,* Robert Cecill, Ph. Meadows, John Pollexfen, Mat. Prior.

[C.O. 5, 910. pp. 254-256.]

Sept. 15.

**963.** Journal of Council of Trade and Plantations. Letters to Governors, relating to the defence of the Plantations, signed.

Order of Council, March 18, with Governor Dudley's Instructions, read.

Order of Council, [Aug.] 31, relating to the  $4\frac{1}{2}$  per cent. in Barbadoes, [read].

Minutes of Council of July 2nd and 9th, read.

Order of Council, May 31, relating to Mr. Clifford, read.

Order of Council, July 9, confirming Acts of Barbadoes, read.

Minute of Council, July 9, concerning Col. Hamilton, read.

Orders of Council, Aug. 24, approving Instructions and Commissions for several Governors, read.

Draught of an Instruction for the Lord Cornbury for repealing a clause in an Act of New York was agreed, and ordered to be added to his Instructions. [C.O. 391, 15. pp. 203-206; and 391, 96. No. 151.]

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Sept. 15.

**964.** Minutes of Council in Assembly of Barbados. Wm. Roberts returned from Martineque in the Flag of Truce, with answer from the Governor of Martineque. Ordered, that he carry the reply of the Board and such French prisoners as are here down to Martineo, in the sloop *Callapatch*.

This Board being informed that the *Constant Jane* was on Sunday last cast on shore near Needham's Point, where she now lies very much damaged, and much doubted whether ever she can be got off, and as 'tis generally suspected that she was wilfully run on shore by Thomas Driffield, Lt. of the vessel, and others, ordered that Charles Buckworth, sole Judge of the Court of Admiralty, issue out his warrant to examine them and others upon oath, and report to the Board. [C.O. 31, 6. pp. 275, 276.]

Sept. 16.

Greate  
Russell  
Street.

**965.** Sir William Beeston to William Blathwayt. I have a letter from Col. Beckford, who gives me the relation of the ill-condition Jamaica is now under. Col. Brewer is dead and Col. Beckford's Commission, being from the late King, falls with him, and since he was not in the actual execution thereof at H.M. death, they conclude there that H.M. Proclamation for six months cannot justifie him, soe that they seeme to bee without authority, the Assembly being dissolved by course before they had done anything; the Judges and Justices refuse to act because they think they have not authority, and I may presume the officers, both Civil and Military, are still under my Commissions, for I know Brigadier Selwyn never granted out one in his lifetime, and I guesse Col. Beckford had not time before hee heard of the King's death to grant them out, or if he had, his Commissions being thought of no authority, the people will not act by them, soe that unless a Commission be speedily sent to Col. Beckford or somebody else to command them, I doubt they will run into great errors and confusion, and till then the Island must be kept under Martiall Laws, both for the quartering the souldiers and keeping the Island in quiet. *Signed*, Wm. Beeston. *Holograph*. 1 p. [C.O. 137, 45. No. 14.]

Sept. 17.

Boston.

**966.** Governor Dudley to the Council of Trade and Plantations. Last month I visited all the frontiers to the Eastward, as far as Monhegin and saw the Sachims of all those parts, and am yet using all means to save them out of the French influence and management, but am advised that the French priests, whose Religion those Indians have embract, are daily using means to draw them off from their obedience to H.M., which puts the frontiers of near 200 miles into constant watching and scouting for fear of a surprise, which is a considerable charge and burthen upon both the Provinces. In obedience to H.M. commands to infest the French, our neighbours, I have sent out four small sloops with about 50 men each, who have in 30 daies past brought in four sloops and five ships, the least ship above 100 tuns, one of them a mast-man bound to Port Royall to load; the other are

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Bankers, some with fish, others with salt etc. for a fishing voyage, and the sloops are abroad again for one cruise more, by which time our seas will be governed by the North-west wind too hard to abide. About 20 daies ago, in obedience to H.M. Instructions, I took with me some Gentlemen of the Council here, and a troop of horse to attend me, and came to Rhode Island, and there in presence of Mr. Cranston, Governor, and seven of their Council, most of them Quakers, and a great Assembly of people, I published H.M. Letters Patents for the government of the forces and fortifications of that Colony in the time of war, and the Commission for the Vice-Admiralty, at which the Quakers raged indecently, saying that they were insnared and injured. I refused to enter into any conference with them until I had taken the Oaths of Allegiance etc. and signed the Test, which I told them I would do in the presence of the Council I brought with me, but had rather do it before them, and then I should account myself qualified and secure in my proceedings with them, which obtained so far as that some of them withdrawing, Mr. Cranston administered the oaths, and the next day, at a Conference with them, I told them I should proceed to review and settle the defects of their Militia, and desired the names of their officers, but could obtain nothing of them but a stubborn refusal, saying they would lose all at once, and not by pieces. The next day I gave out warrants to the Town Major, to muster the two Companies in Newport, that I might see them, intending to have given the officers the oaths and spoken kindly to the people, but the Governour and his Council would admit of no such thing, but have called their General Assembly, which is now sitting, and as they say, intend to send home some application to H.M. The day after I proceeded into the Narraganset Country and came to the Town of Rochester, to which I had the honour to give that name 16 years since, when I was President there, who are now grown to 120 men, who with their officers all met me at the seaside and attended the publication of the Commission, and cheerfully and unanimously officers and soldiers took the oaths. I treated them as well as the place and time would allow, and the next day proceeded in my journey, but the Governour and Council of Rhode Island came near to Rochester the next day, sent for the officers, and were greatly displeased with their attendance and submission, and since have used all methods to bring back the people to confusion, and upon the whole of this Article, my Lords, I am humbly of opinion that I do my duty to acquaint your Lordships that the Government of Rhode Island in the present hands is a scandal to H.M. Government. It is a very good settlement with about 2.000 armed men in it, and no man in the Government of any estate or education, though in the Province there be men of very good estates, ability and loyalty, but the Quakers will by no means admit them to any trust, nor would they now accept it, in hopes of a dissolution of that mis-rule, and that they may be brought under H.M. immediate Government in all things, which the major part by much of the whole people would pray for, but dare not, for fear

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of the oppression and affront of the Quakers party making a noise of their Charter.

Three daies since arrived here H.M. Sloop the *Wolfe*, with H.M. commands for provisions to be sent hence to Admirall Bemboe to Jamaica or elsewhere, in which I am taking all possible care to expedite the matter to have the provisions ready, and shall not faile in anything, but the weather is so hot that meat will be in hazard of spoiling, but I doubt not a fortnight will suit the weather, when I shall use all possible dispatch, and shall take care that the prices be as low as can be and the freight agreed for, and the *Gospir*, as H.M. has commanded, shall convey them down.

In answer to the other part of H.M. Order, referring to the forming of some Companies to be sent to Jamaica, your Lordships will please to remember that we are the most distant Government on the shore of America from Jamaica, being more than 500 leagues, that we have a long inland frontier, to the Indians, of more than 200 miles in open villages, where in every war we have been attackt by the Indians and French, and expect the same every day, now Port Royal and Placentia are so well fortified and strengthened, besides our sea-coast, which is much longer, upon which in the last war a single French privateer has often landed and carryed away what he pleased. And Port Royall is so growing a settlement, and so near us, that if H.M. would please to let a small fleet of but three or four men-of-war call there with assistance of some of H.M. people here for the land part, that nest might be destroyed, and the people be at more freedom to serve abroad; however, without any consideration of what is abovesaid, which I have done with when I have represented it, I shall for myself absolutely submit, and would immediately enter upon it, to prepare and encourage some companies of men for the service at Jamaica, but the present Charter of this place giving the choice of the Council into the hands of the people, and directing H.M. Governour here not to send any people out of the Province without the consent of the Council and Assembly, is that which cramps me in that affair, and I am morally assured, before I enter upon it with them, that I shall not obtain one voice of a Counsellor for fear of their precarious places, depending upon the people's voices, and so H.M. affairs will unavoidably suffer till the Council here shall value their duty more than their station, or depend absolutely upon H.M. appointment.

I am yesterday informed that there are three more valuable prizes, one of 20 guns, one of 12, and one of 8, our Privateers have taken in the mouth of Canada River. I humbly pray your Lordships' favour that we may have the canon and stores sent, long since ordered for this Province, and if we might have 200 men for the guard of the Eastern parts, which are very necessary to cover the fishing and lumber trade of that uninhabited part, as your Lordships have some time since reported, I believe we might more easily get some of our people for the service of the Southern parts, as H.M. has directed. *Signed, J. Dudley.*

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P.S.—Sept. 19. We have two more Bankers of 120 tuns each brought in this evening, and while the season of cruising lasts I am humbly of opinion our loose men cannot be better employed; in the winter I shall use all possible means to perswade and form some volunteers for the service of Jamaica as commanded. *Endorsed*, Recd. 9th, Read Nov. 11, 1702. 6 pp. *Enclosed*,

966. i. Abstract of preceding. 1 $\frac{1}{4}$  pp.

966. ii. Assembly of Rhode Island to Governor Dudley, relating to his Commission for commanding their Assembly.

Sept. 17, 1702. *Refer to Order of Aug. 22, 1694.* We shall address H.M. on the subject, and meantime consider it our duty to continue the Mallitia as formerly. *Countersigned*, West. Clarke, Secretary. *Endorsed*, Recd. Nov. 9, 1702. 1 p.

966. iii. Copy of Minutes of Council of Rhode Island etc.

Sept. 3rd-7th. *Endorsed as preceding.* 4 pp. [C.O. 5, 862. Nos. 130, 130.i.-iii. ; and (without enclosures) 5, 910. pp. 284-293.]

Sept. 17. **967.** Governor Blakiston to the Council of Trade and Deale. Plantations. His late Majesty was pleased to grant me his letter of leave to come for England for the recovery of my health. I hope in a few days to wait upon your Lordships with the Acts of Assembly and Journals of Council. On July 30 we sailed out of the Capes of Virginia with 150 sail under the protection of four men-of-war, and are all, I hope, arrived safe etc. *Signed*, N. Blakiston. *Endorsed*, Recd. 18, Read Sept. 22, 1702. *Holograph.* 1 p. [C.O. 5, 715. No. 55; and 5, 726. pp. 133, 134.]

Sept. 17. **968.** Council of Trade and Plantations to Secretary Whitehall. Sir Charles Hedges. Having received an account from a considerable merchant here that Governor Codrington has obliged the French to quit St. Christopher's, we have thought it our duty to communicate the same to you, and to send you a copy of the Articles agreed to on that occasion. We are informed by the same hand that in pursuance of these Articles, Col. Codrington has sent the principal French officers to Martinique, but the main body of the people to St. Domingo upon Hispaniola. We understand that a ship dispatched from St. Christopher's, July 15, has been taken by the enemy and carried into France, upon which ship we presume there was an account of this expedition written immediately from Col. Codrington. *Signed*, P. Meadows, John Pollexfen, Mat. Prior. 1 p. *Annexed*,

968. i. Copy of Articles of Capitulation upon the surrender of the French part of St. Christopher's to the English.

(i.) That the King's forces shall come away with their drums beating, matches lighted, arms and baggage. (*Granted.*) (ii.) That the officers of the said troops

shall come away with their baggage, their servants and slaves, that is, each Captain six, the Lieutenants 4

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and the Ensigns 2. (*Granted, that each Capt. have three ; Lieutenants and Ensigns one.*) (iii.) That there shall be no kind of harm done to the Religious men, who shall be permitted to carry with them all that belongs to the Church. (*Granted.*) (iv.) That the Militia Officers shall come away armed, each Captain with six negroes, Lieutenants with 4, Ensigns 2. (*At the discretion of the General.*) (v.) That the Gentlemen of the Sovereign Council shall come away each with six negroes. (*That they have each three negroes.*) (vi.) That each of the other Planters shall come away with one negro. (*At the Genll. discretion.*) (vii.) That the families of the Planters and Officers shall be all carried, as also the troops, to Martinique in vessels with which they are to be furnished, with all their goods and baggage. (*At the Genll. discretion, but no woman to be separated from their husbands.*) (viii.) As to the Field Officers, which comprehend the Governor, three King's Lieutenants and the Major, they throw themselves on the General's civility as to the number of servants and slaves they'll take with them. (ix.) That it shall be allowed to six gentlemen followers of Monsr. de Gennes to bring with each of them 3 negroes, their arms and baggage. (*At the General's discretion.*) (x.) That the Irish that live in the French quarters shall be sent away safe and sound with their families and baggage. (*Granted that they shall go out with the French General, but to be left to the General's discretion wt. baggage they shall carry out.*) (xi.) That Ravary, Choisin, and BOURgeois shall be incessantly surrendered ; as also those that were taken in the Fig-Tree quarter, and shall be sent, as the rest, to Martinique. (*Granted.*) (xii.) That on the aforesaid conditions shall be rendered to-morrow, being the 16th N.S., the French quarters, that no harm shall be done to the Planters. (*The Gut of Guillou to be delivered this night, and Basse Terre to-morrow morning.*) *Signed,* De Gennes. All the above marked Articles in the margin are agreed to us [? as] there specified. *Signed,* W. Hamilton. *Endorsed,* Recd. Read Sept. 17, 1702. [C.O. 153, 8. pp. 82-85 ; and (enclosure only, 2 pp.) 152, 5. No. 8 ; and 152, 39. No. 95].

Sept. 17.  
Fort  
Kijkoveral  
in River  
Essequibo.

969. Governor Samuel Beeckman to [? the Dutch West India Company]. *Signed,* Samuel Beeckman. *Dutch.* 8 $\frac{1}{4}$  pp. [See *British Guiana and Venezuela Boundary Commission No. 3 (1896).* pp. 68, 69.] *Enclosed,*

969. i. Copy of petition of Joannes de Wilde to the Governor and Council of Essequibo. Fort Kijkoveral, Aug. 19 [N.S.], 1702. *Dutch.* 1 p.
969. ii. Minutes of Council of Essequibo. July 27 [N.S.], 1702. *Dutch.* 4 pp.

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969. iii. Inventory of all the [Dutch West India] Company's property in Essequibo, Aug. 1 [N.S.], 1702. *Signed*, Jan Van Dÿck, Samuel Beeckman. *Dutch.* 31 $\frac{3}{4}$  pp.

969. iv. Minutes of Council of Essequibo. Aug. 5 [N.S.], 1702. *Dutch.* 2 pp.

969. v. Minutes of Council of Essequibo. Aug. 14 [N.S.], 1702. *Dutch.* 1 $\frac{1}{2}$  pp.

969. vi. A second petition of Joannes de Wilde *etc.* to the Governor and Council of Essequibo. Fort Kijkoveral. Sept. 7 [N.S.], 1702. *Dutch.* 1 p.

969. vii. Minutes of Council of Essequibo, Sept. 7 [N.S.], 1702. *Dutch.* 4 $\frac{1}{2}$  pp. [C.O. 116, 19. Nos. 15, 15.i.-vii.]

Sept. 17.  
Newport.

**970.** Assembly of Rhode Island to Governor Dudley. In answer to your demands of the Militia [see Sept. 3], we humbly offer that, by our Charter granted by K. Charles II, the sole power of Militia is granted to us, as well as by Her late Majesty Queen Mary her pleasure to us signified, Aug. 22, 1694 [? Aug. 22. See *Cal. A. & W.I.* 1694. Nos. 1247, 1248]. Finding in Your Excellency's Commission no express superseding of the power of Militia in our Charter nor order to us from her present Majesty to surrender the same, and being sensible of the great importance of this matter, and finding it in [? *in it*] several main things which do need a particular explication and settlement as we shall God willing manifest to H.M. by our humble Address, cannot but conceive it our duty both with respect to H.M. service and our own peace and preservation in this time of war to endeavour to continu the Militia as formerly, till we shall receive further orders from H.M. 2 pp. [C.O. 5, 1302. No. 2.]

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**971.** Journal of Council of Trade and Plantations. Mr. Cary acquainted the Board that he had received letters from the Leeward Islands with an account that the French port of St. Xopher's had surrendered to the English upon Articles, a copy of which he delivered to the Board; that Col. Codrington had sent the French Officers to Martinico, but the body of the people were sent to St. Domingo; and that a ship which came from St. Xopher's soon after the surrender (by wch. he supposed Col. Codrington had writ at large) had been taken and carried into France. Whereupon a letter was writ to Mr. Secretary Hedges.

Acts of the Leeward Islands, Dec., 1701, further considered and finished. [C.O. 391, 15. pp. 207, 208; and 391, 96. No. 152.]

Sept. 17.

**972.** Minutes of Council of the Massachusetts Bay. H.E. acquainted the Board that, pursuant to his Instructions left with the Commanders of H.M. Forts, when he was lately at the Eastward, that if any of the French or Indians should come in there as Messengers to himself, they should not permit them to travel through the country, but send them by water. Capt. Turfrey had sent in a sloop, which arrived here two days since, two Frenchmen that came last week to Saco with letters from

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M. Brouillan, Governor in L'Accadie ; and that he had ordered a Chamber for the two Frenchmen and placed a sentinel over them, to keep them private from Company, and had caused the letters which they brought to be rendered into English, one of them being directed to himself and the other to the Gentlemen of the Council, both without date, wherein M. Brouillan demands the restoration of the vessels, effects and men taken by the private ships of war fitted out of this place since the commencement and declaration of war. Which letters were read. H.E. communicated the draught of his reply.

The hearing of Jonathan and Christopher Peake referred.  
[C.O. 5, 789. pp. 457, 458.]

Sept. 18.

**973.** Minutes of Council in Assembly of Barbados. The Assembly attending, the Speaker acquainted the President that their House would keep to their old rules of delivering their messages by word of mouth (*see Sept 8 etc.*), and that they would not discover what power and liberty they gave to their Speaker. They did expect they had been called upon some other account than upon that occasion. The President said that he did not call them upon that matter alone, but upon some other business of moment which he was ready to give them in charge ; he did expect that they would have received what he had to offer, before they could pretend to know what they were called for. There were several deficiencies, which ought to be supplied, in the Bill for purchasing a vessel of war etc.

The President delivered back the Bill sent up for appointing watches for amendment. He proposed the taking up a vessel to carry off the Spanish prisoners for exchange, they being very sickly and chargeable to the country.

This Board, being informed that two vessels were yesterday seen to the Northward of this Island, standing to the eastward, in order to get into this latitude, and being suspected to be French privateers, do believe it to be absolutely necessary to send out a sloop to give notice to the man-of-war and brigantine, and desire the assent of the Assembly, which was given. Wm. Heysham offered his sloop for this service at what price the Government should think reasonable. His offer was accepted. Ordered that one man in seven be pressed out of each merchant ship in the Road and sent on board the man-of-war to reinforce her, and that she stay out a week longer than her last orders, provided Capt. Arthur's cruise be not out sooner, which if it be, then they are both ordered to return together.

Judge Buckworth [*see Sept. 15*] delivered his report. Ordered that Thomas Driffield give good security to answer the premises when required.

The Assembly, attending, said they could not supply the defects proposed by this Board in their Bill for buying and fitting out Major Trimingham's brigantine ; but that so good a work might not be prevented, they brought several subscriptions of the Members of their House for raising money for that expedition, and humbly requested this Board do the like, which was readily granted.

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The Speaker supplicated this Board that particular orders might be given that noe white servants be carried off for the future in any of the commissioned vessels, and that those which were now on board might be returned, and that a Law be provided for that purpose. [C.O. 31, 6. pp. 276-279.]

Sept. 19. **974.** Journal of Assembly of Barbados. Message sent down about the Answer of the House concerning the Speaker. (See *Minutes of Council*, Sept. 10.)

Resolved that the Commissioners of Correspondence represent the growing charge of fitting out vessels of war to H.M. service, and that this Island may be considered in this matter.

Wm. Heysham allowed for the loan of his sloop.

And see preceding abstract. [C.O. 31, 6. pp. 487-490.]

Sept. 20. **975.** Mr. Secretary Vernon to Mr. Warre. The enclosed is from Col. Handesyde, who went to Jamaica Lieut.-Colonell to Sir Henry Bellasis Regimt. I can no otherwise promote his present pretensions then by putting them into your hands, and submitting them to my Lord Nottingham's consideration. *Signed*, Ja. Vernon. *Holograph*. 1 p. *Enclosed*,

975. i. Tho. Handsyd to Mr. Secretary Vernon. Jamaica, July 5, 1702. Since the closing of my last letter to you Col. Brewer dyed, which occasions this further trouble requesting your interest and friendship in procuring H.M. Commission for me as Col. to the Regiment lately commanded by Col. Brewer instead of that of Capt. Genl. Selwyn's, the former being the Elder coare, etc. *Signed*, Tho. Handasyd. *Endorsed*, R. Sept. 21. *Addressed*. 1 p. [C.O. 137, 45. Nos. 16, 16. i.]

Sept. 21. **976.** Solomon Merrett to William Popple. I beg of you to lay the enclosed before the Lords [of Trade], by which they may see the damage we have sustained this year at Newfoundland for want of early convoys and of a fortification in Trinity Bay, both which I hope next yeare may be prevented by sending ships early and by fortifying Trinity Harbour, as I have already humbly proposed. It may seem strange that none of London besides myself rarely appear in this matter, unless it be considered that few merchants here besides myselfe are concerned thither this year: for my part I am very much endeavouring to uphold a sinking, altho' most beneficial, trade to the Nation, and I presume my shipps may take of[f] this year 10,000 quintals. *Signed*, Solomon Merrett. *Superscribed*,

976. i. Copy of Letter to Solomon Merrett. Poole, Sept. 19, 1702. Yesterday Tho. Wadham in the *Hopewell* arrived here in 3 weeks and a day from Trinity Harbour in Newfoundland; he brings the bad news that about a week before he left, 40 or 50 armed Frenchmen came over by land from Plascentia to Syllicone, and surprized the inhabitants there, killing three or four, and took Mr. John Masters out of his bed, rifled his house, and

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carried him and his goods aboard a Jersey ship laden with fish in the harbour, and carried away the ship and fish, about 1,000 quintals, sailing to the northward, but did not take a fish from the Rocks. They much doubt their being gone to Bonavista, where is only Capt. Weston (God grant it may not be so). A French man-of-war of 40 guns hath been seen of St. John's all this summer, and had taken 7 sail of ships in sight of that harbour. The convoys were not arrived when he came away, nor did they hear of their coming, nor any certainty of a war, until the surprize of the French and a flying report from New England. She saw no ships in her passage until she came into Soundings. God send better news; this proves fatal to this poore Towne, who will have a great loss. *The whole endorsed.* Recd. Read Sept. 24, 1702. 1 p. [C.O. 194, 2. No. 81; and 195, 3. pp. 106-108.]

Sept. 21. **977.** Minutes of Council of Bermuda. H.E., the Members of Council, and the Clerk took the Oaths of Allegiance to Queen Anne.

Mr. Larkin appearing, gave rules for regulating the Court of Judicature about piracy. John Davis was sworn Register, and the Court of Admiralty appointed to be on Wednesday next come sevennight. The several Justices of the Peace took the Oath of Allegiance to Queen Anne.

Sept. 22. Upon a motion for considering about transportation of the French prisoners, who came on shore at the West End, Sept. 13, it is the opinion of the Board that a vessel be hired for their transportation to Martinico, and agreed accordingly with Mr. Gibbs for the sloop *Olive* to transport them at 20s. per head, being 54 persons, on Monday next. [C.O. 40, 2. p. 50.]

Sept. 22. **978.** Lt.-Governor Beckford to the Council of Trade and Plantations. Your Lordships have from time to time ere since his late Majesty's death been informed of the precarious state of this Island for want of a power of Government from her most Sacred Majesty, which is now, if possible, under a more uncertain one. On the 20th inst. arrived here the *York* and *Norwich*, with the several storeships and merchant men, and by them came a pacquet directed (tho' from a private hand) to Col. Brewer, as Lt.-Gov. of Jamaica. I met the Council the next day, and then laid it before them, Col. Brewer having for some moneths since been dead. Upon opening of the pacquet we found therein a Commission from H.M. to constitute him Lt.-Governor. I had well considered the present state of the Islands, and was of opinion that wee ought to have devolved into a President and Council, wherein I as the eldest should have presided, and could have been more capable, and perhaps with more security, of rendering service then now, but your Lordships will see by the enclosed Minutes that the Council were of another opinion, and all told me unanimously, and I hope heartily, that I must

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continue till H.M. should bee pleased to send a further power; that Col. Brewer being dead before the arrival of the said Commission, it could not supersede mine. I doe not see that we have at present (if we take things strictly) any power of Government at all, and I have signified the present state of our Island to my Lord Nottingham, but have not declared my sentiments to any person here, for fear of ill consequences. Your Lordships know that the whole form and power of our Government is derived from the Commission to the Capt.-General or Governor. Upon his death or absence, then the Lieut.-Governor has the power vested in him, and if here be no person commissionated to be Lt.-Gov., then the Council is to take upon them the administration of the Government. Now at the time of Mr. Selwyn's death I was, and had been for six years Lieut.-Governor, so that my Commission took away the power of Government from the Council. My Commission had fallen by his late Majesty's death, had it not been for the Act of 7 and 8 Willm., and Her Majesty's Proclamation, by which all persons stood continued till H.M. pleasure signified to the contrary. Now comes a Commission to Col. Brewer, which I should have thought to have been a superceding of mine. Your Lordships now see the present posture of our Island; however, from the small interest I have here, I doe not question (with God's blessing) to maintain things in a quiet and good posture, till H.M. shall be graciously pleased to send over a new Governor, or further powers.

Since the passing of the late Act for the reducing of rebellious negroes, who have been a great body for these ten years past, I have sent out 4 parties in pursuit of them: one of the partys of 20 odd men came up with their main body of 300, whom they engaged for 5 or 6 hours and routed at last: the negroes faced our men so long as they had any ammunition left, and wounded three of the party. We killed and took several. They had posted themselves in the mountains between the North and South-East Point of the Island, had a Town and above 100 acres of land well planted with provisions. This had been their next [? nest] I believe for some years, but we have burnt their settlements, and I have ordered one of the parties to post themselves there, and the other three to pursue, and if I can they shall not rest till they are totally destroyed or reduced. I take this thing to be of as much consequence as any I can think of at present: these rascalls have destroyed some of the out-settlements, and killed several white people, and if not quel'd may prove more dangerous. Our Assembly is under a Prorogation, and I shall not know what to do with them when the time is out, but think of keeping them afoot till further orders are sent to *etc.* *Signed,* Pe. Beckford. *Endorsed,* Recd. 6th, Read Jan. 21, 170 $\frac{2}{3}$ . 3 pp. *Enclosed.*

978. i. Minutes of Council of Jamaica, Sept. 22, 1702. 1 p.  
 978. ii. Memorandum of Six Acts passed at an Assembly in Jamaica, Aug. 22, 1702. 4 p. [C.O. 137. 5. Nos. 83, 83.i., ii.; and (without enclosures) 138, 10. pp. 397-401.]

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Sept. 22. 979. Abstract of preceding. [C.O. 137, 41. p. 7.]

Sept. 22. 980. Lt.-Gov. Beckford to the Earl of Nottingham. H.M.S. *York* and *Norwich* with the store-ships under their convoy arrived with us the 20th inst., by whom I received yours of May 11, 15th and June 13, directed to our late General, Mr. Selwyn. As to what your Lordship is pleased to recommend in relation to the French Fleet and Spanish Flota, that matter is, I am afraid, now at an end, for yesterday was with me the Master of a sloop from Philadelphia, who reports that a sloop from this Port arrived there, and about eight weeks since, as I have computed it, had met with the French Fleet and Flota in the Latitude of  $30^{\circ}$ , that the Master of the said sloop was on board the French Admiral, who made some enquiry about the war, whether it was declared between the Crowns of England and France, but the Master had sence enough to know nothing at all, and was there-upon discharged and arrived in Philadelphia, when he declared it to the Government. I also received a pacquet directed to Col. Brewer, Lt.-Governor of Jamaica. I cal'd a Council the 21st, and opened the pacquet, wherein was a Commission from H.M. to constitute him Lt.-Gov., who had for some time since been dead. I thought that this Commission would be a super-ceding and a signifying of H.M. pleasure to revoak mine, and that wee ought to have been a President and Council, in which I as the eldest of the Council should have presided, and should then have been as capable, nay rather more, of serving of H.M. then now. The Council were of another opinion, and all told me that I must continue Governor till H.M. should be graciously pleased to name another. I do not see now that wee have any power of Govt. at all. I was Lt.-Governor at the time of the death of Genl. Selwyn, and had been so for 6 years before, so that my Commission took away the power of Government from the Councell, and I should have thought, had not the Councell been of another opinion, that Col. Brewer's Commission should vacate mine. Your Lordship sees the present state of our Island; however, I hope I shall be able, notwithstanding the little power I have, to keep things in a good posture and to maintain H.M. authority, whilst I have anything to doe with it. I shall endeavour to quell the rebellious negroes. I have sent out four parties in pursuit of them; one of them came up with their main body, which consisted of about 300. They had a town in the mountains and above 100 acres of open ground planted with provisions; they faced our party as long as they had any ammunition, and wounded three of them, but wee put them at last to the rout, and fired their settlements. Such an inmate enemy might prove of dangerous consequence, but I hope to be able to quell them, tho' they have been a great body for these ten years last past. We shall endeavour to make all the preparations possible for the reception of the troops. *Signed,* Pe. Beckford. *Endorsed,* R. Jan. 6, 1702 $\frac{2}{3}$ . 2 pp. *Enclosed,*

980. i. Copy of Minutes of Council of Jamaica, Sept. 22, 1702. The Board was unanimously of opinion that Col. Brewer

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being dead before the arrival of his Commission as Lt.-Governor, it cannot supercede that of the present Lt.-Governor. 1 p. [C.O. 137, 45. Nos. 17, 17.i.]

Sept. 22. **981.** Duplicate of preceding letter. [C.O. 137, 45. No. 18.]

Sept. 22. **982.** William Vaughan to the Council of Trade and London. Plantations. *In reply to* the Memorial of John Usher. The disorders in the Government of New Hampshire were chiefly occasioned by himself. John Hinckes, Richd. Waldron and myself were so farr from seizing the Government, that we never acted anything but by the desire, consent or order of the Council. William Partridge was by Lord Bellomont established Lt.-Gov. to the general satisfaction of the people there, and Mr. Usher next to him in the Council, but the latter did not see meet to accept of the office, left the Province and went to Boston; since that we have lived very peaceable and quiet, and hoped so to continue. I cannot make further answer till I write to New England and hear from Hinckes and Waldron etc. His complaints of Mr. Partridge's exercise of the Government I dare assure your Lordships will on enquiry appear very frivolous. *Signed*, Wm. Vaughan. *Endorsed*, Reed. Read Sept. 22, 1702. 1 p. [C.O. 5, 862. No. 131; and 5, 910. pp. 256-259.]

Sept. 22. **983.** Journal of Council of Trade and Plantations. Letter from Governor Blakiston, Sept. 17, read.

Letter from Mr. Jennings, July 18, read and enclosures laid before the Board.

Memorial from Mr. Vaughan, read.

Letters from Lt.-Gov. Povey, July 20 and Aug. 4, read. Upon enquiry at the Admiralty, answer was brought that they had recd. the papers relating to that matter, which Capt. Povey had sent.

Letter from Governor Dudley, with a copy of his Conference with the Eastern Indians, read. Ordered that the said letter be considered at a full Board [Sir Ph. Meadows, Mr. Pollexfen and Mr. Prior *only present*]. [C.O. 391, 15. pp. 208-210; and 391, 96. No. 153.]

Sept. 24. **984.** William Popple, junr., to Solomon Merret. The Council Whitehall. of Trade and Plantations return you their thanks for your letter of Sept. 21. As soon as they are a full Board, they will take the same into consideration. [C.O. 195, 3. p. 109.]

Sept. 24. **985.** Memorandum of Council in Assembly of Maryland, March 16-25, 1702. *Endorsed*, Presented to the Board by Col. Blakiston, Sept. 24.  $\frac{1}{4}$  p. [C.O. 5, 715. No. 56.]

Sept. 24. **986.** Memorandum of Journal of House of Delegates of Maryland, March 16-25, 1702. *Endorsed as preceding*.  $\frac{1}{4}$  p. [C.O. 5, 715. No. 57.]

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Sept. 24. **987.** Memorandum of Journal of the Committee of Accounts, Maryland, March 18-25, 1702. *Endorsed as preceding.*  $\frac{1}{4}$  p. [C.O. 5, 715. No. 58.]

Sept. 24. **988.** Memorandum of Minutes of Council of Maryland, May 8, 1702. *Endorsed as preceding.*  $\frac{1}{4}$  p. [C.O. 5, 715. No. 59.]

Sept. 24. **989.** Memorandum of Journal of Council in Assembly of Maryland, June 25, 1702. *Endorsed as preceding.*  $\frac{1}{4}$  p. [C.O. 5, 715. No. 60.]

Sept. 24. **990.** Memorandum of Journal of House of Delegates of Maryland, June 25, 26, 1702. *Endorsed as preceding.*  $\frac{1}{4}$  p. [C.O. 5, 715. No. 61.]

Sept. 24. **991.** Memorandum of Journal of Committee of Accounts, Maryland, June 26, 1702. *Endorsed as preceding.*  $\frac{1}{4}$  p. [C.O. 5, 715. No. 62.]

Sept. 24. **992.** Memorandum of nine Acts passed in Maryland, March 25 and June 25, 1702. *Endorsed as preceding.*  $\frac{1}{4}$  p. [C.O. 5, 715. No. 63.]

Sept. 24. **993.** Memorandum of Lords Proprietors of Carolina. A Deputation from Sir John Colleton, Bart., constituting James Moore to be his Deputy in Carolina. [C.O. 5, 289. p. 105.]

Sept. 24. **994.** Governor Lord Cornbury to the Council of Trade and Plantations. A full and true account of the condition of the sooldiers, forts and fortifications. My own Company, consisting of 80 effective men, besides officers ; Captain Nanfan's Company, 76 ; Major Ingoldsby's, 84 ; Captain Weeme's, 92. The two first in garrison at New York, the two last are at Albany. Those at New York are naked ; I cannot describe their cloathes bad enough ; and their arms were in such a condition that we could pick out but seaven and twenty muskets fit to fire in both Compانys ; there is but twelve swords in each Company, and as many bayonetts ; they were paid their subsistence weekly. The fort at New York I found in a miserable condition, the parapet, which is of sod-work, being fallen down in many places ; not one platform good, but most of them quite rotten ; many of the guns dismounted, most of the carriages rotten, and some of the guns so honeycombed that they are not fit to be fired. The stores are in an ill condition too, there being very few fit for service. By the [enclosed] inventory, you will see in how ill a condition we are to carry on the war, and indeed how ill provided we are for our defence in case we should be attacked. You will please to consider that the frontiers must be suplyed out of this Inventory, which now have noe manner of thing, and how we shall be able to arm those men which we shall be forced to raise for our common defence, I am sure I do not know. The magazeen.

Chear Hall,  
Orange  
County,  
New York.

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of the fort at New York is a building of bricks made by my Lord Bellmont over the gate going into the fort ; it cost 800*l.*, and was built under Col. Romer's directions, but I am well satisfied that a better building might have been made for 200*l.*, besides that it is the most improper place in the world for a Magazeen for powder, because of the great storms of thunder and lightning, which are very frequent in this country ; besides many people, that live near the fort, have been very earnest with me to remove the powder from thence, it being very certain that if the magaseen should by any accident blow up, it would destroy many houses as well as the fort. As for cloaths, the companies at Albany are in as bad a condition as those at New York, that is, they are naked, many of them not having wherewithal to cover their nakedness. They were, when I arrived, eight weeks in arrears of subsistence. The fort is in a miserable condition. It is a stockado'd fort, about 120*ft.* long and 70*ft.* wide. The stockados are almost all rotten to that degree that I can with ease push them down. There is but 23 guns in the fort, most of them unserviceable, the carriagdes broken and several of them so honeycombed that they cannot be fired without danger. By the [enclosed] inventory you will see what a miserable condition that frontier is in :—Schenectady is 20 miles from Albany, upon another river, by which the French must come if they attempt anything upon Albany ; this is now an open village, it was formerly stockado'd, but indeed it is more like a pound then a fort ; there is 8 guns in it, not above three fit for service, noe garrison in it when I came, but a sergeant and 12 men, noe powder nor shot, neither great nor small, nor no place to put it into. The Half-Moon is a place 14 miles above Albany, upon Hudson's River. This was formerly a stockado'd fort, made in Col. Fletcher's time. Nustugione is another place 14 miles from Albany, in the woods, where there was a pretty large stockado'd fort, but these two last, for want of looking after, are quite gone to ruin, by which Albany is left naked upon those two sides. As for the Militia, that is in as bad a condition as the rest, for they have never been once mustered since Col. Fletcher went from hence ; my Lord Bellmont never saw any of them in arms but the regiment of foot at New York ; indeed, by Col. Schuyler's care, the Regiment of Militia of the County of Albany are in pretty good condition, but that is perfectly owing to his care ; throughout the whole Province besides there is noe thing like Militia ; it is a thing forgot among them.

This Province is liable to be attacked two ways ; one by land, that is by Schenectady and Albany, and if those two places are once taken by the French, they will have a free passage open, not only to York but to all the Colonies upon the Continent without interruption, especially those to the Southwards of this Province ; the other way is by sea, at New York itself ; there lies just over against that towne a small island of about fourscore acres of land, called Nutten Island, which lies on the South-East side of the town : a bomb vessel may lie behind that Island and bombard the City as they please, and all the guns

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we have cannot hurt them ; the way to prevent this will be to erect two stone batterys at a place called the Narrows, one upon Long Island, and the other upon Staten Island ; the sea is but a little mile over in this place, and batterys being placed there, of 20 guns each, it will be impossible for anybody to hurt us by sea. I would have these made of stone, because stone is cheaper here than brick, and there is no turf to be cut in this country ; besides that would be a continual charge, always repairing, and if an enemy should land, would be easily taken, whereas if they are of stone, they will not be so liable to want repairs, nor to be taken, and will effectually secure the City and Port. I look upon this to be the more necessary to be done, because in summer 1701 Monsieur D'Iberville came into the port of New York, to a place called the watering-place, within the narrows and within sight of the City ; he was in a French man-of-war of 50 guns ; he found an old man upon the Jerseys that piloted his ship in, and at York they never heard anything of him, till they saw him come to an anchor. He was suffered to stay there upwards of a month, during which time he sounded all the Harbour, from the City of New York to Sandy Hook, so that for the future he will want noe pilot to conduct him in ; and this is all the charge I would have bestowed at New York yet awhile ; for the securing the frontiers, it is most absolutely necessary there should be a stone fort at Albany and another at Schenectady ; there should be a stone redout at Nustugione and another at the Half-Moon, as I propose there should be a stockado'd fort at Saractoga, a place 26 miles above the Half-Moon, upon Hudson's River, and is the farthest settlement we have. If a large stockado'd fort is made there, it will not only secure our settlements there, but it will be a retreat for our River Indians upon all occasions, and the charge will be very little above 200*l.* The number of men that in my opinion will be necessary for the defence of these places, now in time of war, will be 600 foot, thus to be disposed of, 400 at Albany, a Captain and 100 men at Schenectady, 40 men at Nustugione, under the command of a Lieutenant, a Lieutenant and 30 men at the Half-Moon, and a Lieutenant and 30 men at Saractoga. This number will so well secure our frontiers, that the farmers will not desert their farms as they did the last warr, for fear of being scalped, as many of them were at their own doors, and which will most certainly happen now again if not prevented by the method above-mentioned. Our Indians will be more easily prevailed with to continue firm to us (who are many of them wavering) if they see us soe well provided for our defence. This is what I think is necessary to be done, and if it is done, I doe not question but it will in a great measure secure this whole Continent, which does most certainly chiefly depend upon the security of our frontiers. As to what we are doing with relation to our defence :—Col. Romer having been a year and a half (as he himself told me) providing materials for the building of a stone fort at Albany, was the week before I landed gone to that place. I wrote to him to come to me to York, that I might be acquainted with his design before he went any farther, being

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informed that he had only marked out the ground ; in answer to my first letter, he wrote me word that he was upon the King's businesse, and could not come. I wrote a second letter, and told him that if he did not come immediately upon the receipt of that, I would find a way to fetch him ; upon that he thought fit to come, and indeed he gave me but a very indifferent account of his businesse, for by his own account I find he has been here above four years and a half, and during all that time he has done noe manner of thing but the building of the magaseen before-mentioned, which was done in June, 1698, and since that time he has not done anything towards the fortifications of this place, only he had provided about 400 load of stone and 100 tonn of lime for the fort at Albany ; it seems he has been very intent upon some fortifications at Boston, for when he came to me to York, he was very desirous to goe to Boston, saying he had given the necessary orders for all things to be prepared at Albany against next spring, and that then he would begin to build, but that nothing could be done there till then. I asked him the reason of it ; he told me he could get noe masons to work till next spring, but I found this was only an excuse that he might be at liberty to go to Boston. I told him (May 5) he should not goe to Boston till he had been with me at Albany, to which place I did intend to goe on June 20th. He then said that if I would give him leave to goe to Boston, he would meet me at Albany any day I would appoint ; that the people of Boston had laid out a great deal of money upon their fortifications, and that if he did not goe, to give the necessary orders, they must lose all the summer, and solemnly protested that he would be punctuall to any day I would name. This being said in presence of several of the Council, and several officers, I gave him leave to goe, provided he should meet me at Albany, June 25. He promised he would, and went that day towards Boston. On July 5 I got to Albany, but Mr. Romer was not come, nor noe news to be heard of him. I went the next day to view the ground he had marked out, but I found that for the sake of having his gate answer the broadest street in the towne, he had carried the point of his south-west bastion into a bottom that runs near the old fort, where he must have raised his foundation of stone five or six and thirty foot high before it would have been even with the surface of the ground where the foot must stand ; by computation, that corner would have cost 500*l*. However, I was unwilling to alter anything of his projection till he came, expecting every day he would come, till at last on Aug. 8 a letter came, to a man he had entrusted to provide materialls for the fort, dated June 29 from Boston, telling him that he shall not be at Albany till 7ber, which is a time which everybody here knows to be too late for building, because of the cold weather. Having seen this letter and being informed by some of the Indians that the French were making great preparation at Montreal, which can be designed against noe place but Albany, or Schenectady, and seeing I was not like to have Mr. Romer's assistance this fall, I thought that was too much time to loose. I therefore made another draught of

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my own for a fort, of which I herewith send your Lordships a copy. By this draught I have removed the Fort 40 $ft.$  from the bottom before-mentioned, by which I shall save that vast expense which the point of his bastion would have cost, and I have extended the fort 60 $ft.$  more northwards, by which means I shall intirely cover the west side of the towne, which is that which lies most exposed to danger. As soon as I had made my draught, I enquired for masons, and found eight, which I set to work on Aug. 15, that I laid the first stone of Fort Anne, and in 11 days they worked up all the materials that Mr. Romer had been a year and a half preparing, besides 300 load of stone that I had prepared while I was waiting for Col. Romer's coming. Thus we were busied when Mr. Romer arrived at Albany, Aug. 19, by which time I had laid the foundation of two-thirds of the Fort, and I doe well hope that before the frost it will be 5 $ft.$  high, which will be a good breast-work till next spring, that we shall fall to work again. I desired Mr. Romer to let me have an account of the 200*l.* he had received from Capt. Nanfan ; at first he was very unwilling to doe it, saying that he had received the money from Col. D'Peyster, and that he would account to nobody but him for it. I appointed two persons to audit his account, and told him he must attend them and make up his account with them, if he expected to be at liberty to return to Boston according to Col. Dudley's desire ; upon this he did attend them, and produced an account, in which, among other things, he charges the wages of 40 men, when he actually employed but 38, he charges 2*s.* a day for his son as overseer of the works, a lad of about 16 years old, besides a shoemaker in Albany, whom he had made his Agent, is allowed in his account 2*s.* a day more, he charges 5 per cent. for receiving the 200*l.* from Col. D'Peyster, and in his sum total charges 5*l.* 10*s.* more than the particulars amount to, and when the Gentlemen, whom I had appointed to audit his accounts, showed him those mistakes, he was very angry with them, and came to me in a great heat, and told me it was a very hard thing a man of his quality and station should be called to an account, espetially before persons who, as he said, did not understand accounts. I told him that the custom in England was for all persons that receive any of the Queen's money to account for the same, let their quality or station be what it would, unless it were money paid them for their proper salaries ; he told me that was not the custom in Germany ; in short, I find that he thought to have money paid him from time to time, and he to render noe account of it ; how well that would have done, I submit to your Lordships' better judgments. I have been more particular in this matter, because I would have you informed of the whole truth, not doubting but he will complain of some hardshippe done to him, but I can assure your Lordships he has received none, unless it is a hardshippe to hinder a man from defrauding the Queen ; as for Schenectady, we shall not be able to doe anything there till Spring, beecause there is no materials provided, and the chief time for providing those things is the winter, because then they can carry more upon one sledge then

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they carry in summer upon ten carts. The other places before-mentioned will not be meddled with till I receive your Lordships' commands. I intreat you again to represent our condition to the Queen, and likewise that we may have some great guns, small arms and stores sent us over, of which I send you a list of such as I think necessary. *Signed*, Cornbury. *Endorsed*, Recd. Nov. 30, Read Dec. 3, 1702. *Holograph*. 7 pp. *Enclosed*,

994. i. Abstract of preceding. 2 $\frac{1}{4}$  pp.

994. ii. Account of the Stores of War in H.M. Fort at Albany, May 16, 1702. *Chief items* :—5 barrels muskett powder, 227 granado shells, 45 locks out of repair, 108 match-locks broken and out of repair, 60 carbines, 6 runletts of small shot, 23 great guns, 680 great shot etc. 1 p.

994. iii. Condition of the great guns in H.M. Fort at Albany, viewed Aug. 24, 1702. *Total* : 13 bad, 10 serviceable. *Signed*, P. Schuylar, Robt. Livingston, jr., Storekeeper. *Endorsed as letter*. 3 $\frac{3}{4}$  p.

994. iv. Inventory of Stores in Fort William Henry, New York, June 2, 1702. *Signed*, A. D'Peyster, Rip Van Dam, Peter Mathews. *Endorsed as preceding*. 5 $\frac{1}{2}$  pp.

994. v. List of Stores wanting in H.M. Garrison of New York, Oct. 2, 1702, vizt. Ordinance for the several forts in the Province and the batteries at the Narrows, in all 60 pieces, 30 whole and 30 demi-culverins ; 1,000 new firelocks, 200 barrels of powder, 200 spades, 200 shovels, 100 pickaxes, 50lb. salt peter, 10,000 flints, 1 tun tallow, 2 tuns of musket shot, 2 tuns of sheet lead, and *smaller items*. *Endorsed as preceding*. 1 p. [C.O. 5, 1047. Nos. 67, 67.i.-v. ; and (without enclosures) 5, 1119. pp. 215-230.]

Sept. 24.  
Whitehall.

**995.** Council of Trade and Plantations to Governor Lord Cornbury. Since ours of July 16, we have received but one from you, June 23. Those letters which you therein mention to have writ, relating to Mr. Atwood and Mr. Weaver, are not yet come to our hands, so that we are in dayly expectation of hearing very particularly from your Lordship how affairs stand at New York, and what your Lordship has done, as well towards reconciling the differences there, as towards putting the Province in a posture of defence, till when we have nothing now to write to your Lordship relating to that Province.

H.M. has been pleased to appoint you her Governoour of New Jersey, upon the surrender of the Proprietors of their right to the Government of that Province, and your Commission and Instructions have been dispatched accordingly. We must recommend to you upon this occasion that you use your best endeavours to compose those animosities which have so unhappily divided the people there, and to settle that Province as may be most for H.M. service. Your having proclaimed H.M. at New York and New Jersey has been inserted in the Gazette here. The Court is at present at the Bath, and at their return we shall write to you at large, expecting before that time to receive letters from

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you. *Signed*, Ph. Meadows, Jno. Pollexfen, Mat. Prior.  
[C.O. 5, 1119. pp. 209-211.]

Sept. 24.

**996.** Journal of Council of Trade and Plantations. A letter from Mr. Lodwick signifying that there is a ship now ready to sail for New York being read, a letter was immediately writ to the Lord Cornbury and sent to Mr. Lodwick for conveyance.

Letter from Mr. Merret, read. Reply ordered.

Letter from Mr. Attwood, with a view of the Articles presented by the Merchants of New York to the Lord Cornbury against him, read.

Act of the Leeward Islands for naturalising Col. Walter Hamilton, read and approved.

Governor Blakiston attending, was asked when he designed to return to Maryland. He said that the state of his health was such that he had no thoughts of returning any more to that Province. He laid several Public Papers before the Board. Letter from Sir Tho. Lawrence, July 10, 1702, relating to them was read. [C.O. 391, 15. pp. 210-214; and 391, 96. No. 154.]

Sept. 25.  
Jamaica.

**997.** Lt.-Col. Handasyde to the Earl of Nottingham. My Regiment wants about 120 to compleat me. The men are now perfectly seasoned to this hot climate, and are very healthy. I hope H.M. will be pleased to recruit us. I find by Sir Henry Bellasye's letter that the Earl of Rochester had obtained for me not only the command of the late Governor Selwyn's regiment, but likewise to be Deputy Governor in case of Col. Brewer's death; now Col. Brewer being dead, and no mention of me in his Commission, I humbly beg your Lordship's patronage, having nothing further to recommend me to H.M. then a long and faithful service. *Signed*, Tho. Handasyd. *Endorsed*, R. Jan. 12, 1702. *Addressed*. 1 p. [C.O. 137, 45. No. 19.]

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**998.** The Queen to Governor Codrington. Whereas that part of the Island of St. Christopher's, which was lately possessed by the French, has been brought under our obedience, which is in a great measure owing to your courage and conduct, we do hereby signify to you our gracious acceptance of that service; and whereas in order to the better settlement of that Island, it is necessary that an account be rendered unto us of the number and quality of acres within that part of the Island so reduced by you, that we may give our directions concerning the same, we do hereby will and require you to cause a survey to be made thereof accordingly, and to be returned to our High Treasurer or Commissioners of our Treasury for the time being with all convenient speed; and in the meanwhile you are not to grant or dispose of any part of the said lands for a longer term than three years, but you are to send us an account from time to time of all persons that shall be desirous to take up or settle any part of the said lands for a further term than as aforesaid, or in free-hold, that they may receive our grant or confirmation of the same.

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Given at our Court at Bath, Sept. 25, 1702. *Countersigned*, Godolphin. *Endorsed*, Reed. Read Sept. 29, 1702. *Copy*.  $1\frac{1}{4}$  pp. [C.O. 152, 5. No. 9; and 153, 8. pp. 86, 87.]

Sept. 27.

**999.** Governor Lord Cornbury to the Council of Trade and Plantations. In my former letters I acquainted you that at my first arrival in this Province, I met with great complaints from the generality of the people here against the persons then in power here, but more particularly against Mr. Attwood, Mr. Weaver, Col. D'Peyster, Dr. Staats and Mr. Walters, who are the five gentlemen who composed the Council at my arrival here. I hoped at first that complaints had been greater than they needed have been, but when I looked into the reasons of them, I found them inferior to the injuries; the chiefest, honestest and richest inhabitants of this Province had suffered by the wicked contrivances of Mr. Attwood and Weaver, who have been the chief actors of all the mischiefs and misunderstandings here, though the others were very willing instruments to assist them as farr as they were able in the destroying this Province, which appears plainly to me to have been their design, hopeing no doubt to raise their fortunes thereby to a very great pitch upon the ruins of the English and French inhabitants here in general, and most of the richest of the Dutch, who all of them having long enjoyed the benefits of an English Government, were not only contented to live quietly under it, but have allways been ready to assist it with their purses, as often as required, till they saw plainly they were to be made a prey to the unsatiable avarice of the persons above mentioned, who had projected the extirpation of the English here. This appears to have been their design by several instances, particularly turning the English out of all the Commissions of the Peace and Militia throughout the Province, and putting Dutchmen into their places, who were generally the meanest of the people, men extreamly ignorant of all things, few of them understanding the English tongue, much less the Laws; the sherriffs were most of the same stamp, most of them so ignorant that they can neither read nor write. This appear'd to me when I ordered the Clerk of the Council to read circular letters to the several Sherriffs to give me an account of the numbers of people in their several counties, in answer to which they write that it will take a great deal of time to doe, but they will endeavour it, and when they came to sign their letters, it is sayd, the mark of Thennis Talmane, Esq., High Sherriff of the County of Orange, and so of several others, and in truth they are such fellows that they know not how to goe about business themselves, and those that doe, think not themselves obliged to teach them, so that I shall not be able to give your Lordships an account of the number of inhabitants in this Province till I have a new set of Sherriffs, which will be in the middle of next month; at which time I will take care to appoint such persons as I have already put into the Commissions of the Peace, men (according to my Instructions) of good life and well affected to H.M. etc.

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I am sorry the great mortality we have lately had at York has so much diminished our number there, for in ten weeks' time the sickness has swept away upwards of 500 people of all ages and sexes, some men of note, and among the rest Capt. Stapylton died two days agoe; he was Commander of H.M.S. *Jersey* and brought me into this Province; I hope the cold weather will be a great means to abate the fury of it. I found the four companies here and the fortifications in very ill condition; their has not been one farthing layd out upon the Forts at New York since Col. Fletcher went from hence; and at Albany money has been layd out yearly, but to little purpose. At my arrivall here I found Col. Bayard and one Hutchins, an Alderman of the City of New York, in prison under sentence of death for high Treason, which treason was no other than the signing Addresses to the late King and the House of Commons of England, complaining of the grievances they laboured under here, and likewise a congratulatory Address to me, to be given to me at my arrivall into the Province, which it seems was Treason too. The two original Addresses to the King and Parliament I herewith transmit, at the request of the Gentlemen who signed them, and copies of all papers relating to Col. Bayard's tryall as I had them from the Clerk of the Councell and from other persons who had collected them as well as they could, for Mr. Attwood would not permit any minutes to be taken in Court, so that I cannot send you so perfect an account as I could wish. Col. Bayard has lately printed his tryall upon such Minutes as he was able to take himself while he was at the barr, which I likewise send with copies of all the Addresses delivered to me since I came hither, by which you will see what a condition the People of this Province were in. I did intend to have by this opportunity sent an account of the Revenue, and the debts of this Province, and, in order to it, on May 5, two days after my arrivall, I ordered Mr. Weaver to lay a state of the Revenue and a list of the debts upon the Revenue before me, butt I could not prevail with him to lett me have itt, which was one of the reasons of my suspending him from his employments. He has been one of the greatest, if not the chief promoter of the disorders by which this Province was well-nigh ruined, and besides he was certainly one of the worst officers in the world. I had ordered him to give me every Saturday an account of the entries inwards and outwards, but I could never obtain it, butt allways made me promises from day to day, butt never performed any. I find by his mismanagement the creditt of the Government entirely lost, because he took it upon him to pay whom he pleased, and when he pleased, so having broke through the method of paying in course, none of the merchants would deale without ready money or very extravagant prizes for their goods, well knowing that they could not get their money without paying 20 per cent. for it, so that, a little before I came, they could not find creditt for the least thing they wanted: I asked Mr. Weaver what accounts he had sent over; he told me he was five quarters in arrears, which I

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found to be true, about a month agoe, when he sent me his accounts from Jan. 6, 1700—Oct. 25, 1701; those four quarters' accounts are audited by Col. D'Peyster, who is Deputy Auditor, but the method here has always been that the Receiver General's Accounts, after they have been audited by the Deputy Auditor, are then reviewed by some of the Gentlemen of the Council, and then signed by the Governor in order to be transmitted to England. These four quarterly accounts are made up of such articles that ought not to be allowed; at least many of them are so notorious that I wonder how the Gentlemen that were of the Council could consent to pass warrants upon such accounts. Therefore I have referred them to the examination of two Gentlemen of the Council and one of the Commissioners for collecting the Revenue, and have directed them to send for the Deputy Auditor, to enquire about the vouchers upon which he allowed those accounts. Therefore it will be impossible for me to send the quarterly accounts as I am directed by my Instructions at this time, unless I send them without examining, which I thought I ought not to do. In a short time I shall send them, and likewise the Quarterly Accounts of the Commissioners whom I have appointed to execute the office of Receiver General till the Queen's pleasure shall be known. If Mr. Weaver had not carried away his books with him the last time he ran away, they would have been able to have sent one quarterly account now, but his carrying away his books has put them to a great deal of trouble, and the sickness coming presently upon that has made it impossible for them to do it, but the first ship that sails I will certainly send them. I am sorry I must inform you that the Revenue of this Province is, since my Lord Bellamont's coming, become very much in debt. When Col. Fletcher went, the debts amounted to 1,391*l.* 15*s.* 7*1/4d.*, and then their was so much of the Revenue in arrear, as would have paid that debt, but now the least debt I can hear of is 8,000*l.*, some say 9,000*l.*, and some say 10,000*l.*; and this in time of peace, no souldiers to be paid out of the Revenue of this Province, no new fortifications built, no other buildings erected but the Magazine I mentioned before, and the new lodgings which Col. Fletcher had built were furnished. Indeed, there have been some extravagant bargains made about timber, but where all the rest of the revenue is gone I cannot imagine. I wish your Lordships would be pleased to represent this matter effectually to the Queen. I hope H.M. would be pleased to order a sum of money towards the payment of the debts of this Province, and towards the completing the fortifications. The late King was pleased to give 2,500*l.* towards the fortifications; certainly it is now much more necessary than ever that they should be carried on with all the vigour imaginable, and unless we receive some assistance from England, I cannot see any prospect of getting the Revenue out of debt, which I confess I would feign do, and then I am very sure it will be very easy to keep it so, when it is employed to its proper use only, which I am sure it has not been of late, nor was not intended to be, as you will see by the Acts of Assembly lately passed here, where large gifts are

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made to particular people. I send you the Acts of the last Sessions, one last autumn and the other the last Spring.

I have been at Albany to renew the Covenant Chain with the Five Nations of Indians, whom I found full of complaints, saying we did not keep our promises with them. I think it my duty to recommend to your Lordships' favour the case of Col. Nicholas Bayard and Alderman John Hutchins. The proceedings against those two gentlemen were the most unjust ever heard of or known. I always thought that the statute of 25 Edward III had limited Treason, but it seems Mr. Attwood is of another mind, for he declared upon the Bench that whatever was Treason by the Common Law before the passing of that Act, was Treason still, notwithstanding that Act. If so, that Act is of little use to the subject, who must be very unhappy under such a Judge; but allow Mr. Attwood to be in the right, and allow the papers to be really treasonable papers (which I conceive they are not), still they were not justly condemned, for those papers had at that time never been seen by Capt. Nanfan, nor any of the Council, nor by Mr. Weaver, who was made Solicitor General on purpose for that trial (an office never known in this Province before), nor by the Grand Jury who found the Bill, nor by the Petty Jury who tryed the prisoners, so that in truth those men were condemned for supposed written Treason, which was never produced in evidence against them, nor proved to be Treason, for I think it is very plain by the oaths of the witnesses both before the Council and in Court that their is nothing like Treason contained in their Depositions against the prisoners, wherefore I conclude that they were condemned unjustly and contrary to the known Laws of England, and therefore I hope your Lordships will be pleased to intercede with H.M. in behalf of Col. Bayard and Hutchins, that the sentence against them may be reversed. There were many other irregularities committed in the proceedings against those men; for example, the special Commission limited the Judges to hear, try and determine that very numericall day mentioned in the Commission, Feb. 19, and they had no power to adjourn to any other day, notwithstanding which Mr. Attwood adjourned several times the Court. Another irregularity was with respect to the Grand Jury. Mr. Weaver, the new Solicitor, insisted upon it that he had a right to sit with the Grand Jury, and that no witnesses should be examined butt such as he should think fitt; four of the Grand Jury opposed this, and would not be perswaded to suffer it, for which reason Mr. Attwood dismissed those four men from being of the Jury after they were sworn and possessed of the Bill, and put in four other men which he thought more for his purpose; their were 19 persons upon the Grand Jury, of which eight would not find the Bill, so their remained but eleven, notwithstanding which the foreman of the Grand Jury (who is a brother of Col. D'Peyster's) indorsed the Bill, *Billa Vera*, and when the Councill for the prisoners insisted that the prisoners could not be putt upon their tryall, because the Bill was not duly found, Mr. Attwood declared that in this case the Grand Jury was but an Inquest of Office, and that

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tho' the Bill was found by a less number than 12, it was sufficient to put them upon their tryall, and accordingly proceeded. He would not allow anybody to take any notes in Court, not so much as the practitioners of the Court. These are some of the irregularities of that Tryall; I could name many more were I not afraid of tireing you with them. I entreat your care that we may be supplyed as soon as possible with stores and arms, without which we shall be butt in a very ill condition to defend ourselves, if we should be attacked, much less to attack the enemy. However, I entreat you to believe I will not be wanting in my duty. *Signed*, Cornbury. *Endorsed*, Reed. Nov. 30, Read Dec. 4, 1702. *Holograph*. 8 pp. *Enclosed*,

999. i. Abstract of preceding. 3 pp.

999. ii. Copy of Petition of Protestant Subjects of New York to the King. Dec. 30, 1701. [See *Cal. 1701*. No. 1117.ii.] 5 pp.

999. iii. Copy of Petition of Freeholders of New York to the Knights, Citizens and Burgesses in Parliament. New York, Dec. 30, 1701. [See *Nov. 30*.] 10 pp.

999. iv. Minutes of Council of New York, Jan. 16—March 17, 1702, relating to the commitment and trial of Mr. Bayard and Mr. Hutchins. 18 pp.

999. v. Copy of the Special Commission of Oyer and Terminer for the trial of Mr. Bayard and Mr. Hutchins. Feb. 12, 1702. *Endorsed*, Recd. Nov. 30, 1702. 1½ pp.

999. vi. Narrative of the treatment Col. Bayard received after his condemnation. *Endorsed*, Recd. Nov. 30, 1702. *Printed*. 6 pp.

999. vii. Copy of Col. Bayard's Reprieve, April 2, 1702. *Signed*, John Nanfan. *Endorsed as preceding*. 1 p.

999. viii. Copy of depositions of several of those who signed the Addresses at the request of Bayard and Hutchins, Jan. 16—22, 1702. *Endorsed*, Recd. Nov. 30, 1702. 7 pp.

999. ix. Copy of summary of the evidence given against Col. Bayard in the Supreme Court in New York. *As to the signing of the Addresses and their contents etc.* *Endorsed*, Recd. Nov. 30, 1702. 6½ pp.

999. x. An account of the illegal prosecution and tryal of Col. Nicholas Bayard in the Province of New York, for supposed High Treason, in the year 170½, collected from several memorials taken by divers persons privately, the Commissioners having strictly prohibited the taking of the tryal in open Court. *Printed and sold by William Bradford, at the sign of the Bible in New York, MDCCII.* *Sentence of death passed.* 44 pp. *Printed*.

999. xi. General Address of the Inhabitants of the Province of New York to Governor Lord Cornbury. We congratulate your Lordship's safe arrival, and will always promote to the utmost of our power the honor and interest of our most gracious Sovereign, Lord King William, and if it shall please God H.M. shall see it for the honor and interest of the English Nation to engage

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in a new war, we shall chearfully undertake the duty and charges thereof in these frontiers Provinces, as we have done in all the last warr, and will not be wanting to your Excellency in the hearty expressions of our duty, supporting and supplying those your Lordship shall judge necessary to adjust an impartial administration of Government. We have confidence in your Lordship's great prudence *etc.* that the name of party and faction may henceforth vanish with everything contradictory to the true English interest. *Signed* by 346 persons of the City of New York, and also by the Deputies from the several Counties of the Provinces. *Set out in New York Documents*, vol. iv. *Subscribed, A true copy.* New York, Oct. 2, 1702. *Per Dan. Honan, Secry.*  $2\frac{1}{4}$  pp.

999. xii. Copy of Address of the Mayor, Aldermen and Commonalty of the City of New York to Governor Lord Cornbury. We do heartily congratulate your Lordship's safe arrival, and we cannot entertain too grateful a sense of H.M. Royal favour to us in making so excellent and prudent a choice in sending your Lordship (a person of so great and noble birth, skillfull in the art of warr, and acquainted with the English Laws and Government) to heal our divisions and secure us from the danger of the enemy abroad *etc.* *Signed*, Tho. Noell, Mayor, Abrah. Gouverneur, Recorder, J. D'Peyster, Brandt Schuyler, Jacob Boehem, Martin Cloch, Aldermen, Philip French, Robt. Lurting, J. Johnson, Assistants, Abraham Mezier, Abraham Brassier, Robt. White. *Subscribed as preceding.* 1 p.

999. xiii. Copy of Address of Justices of the Peace and Military Officers of Suffolk to Governor Lord Cornbury, acknowledging H.M. favour in authorizing so noble and honourable a person to be our Ruler *etc.* *Signed*, Jon. Wick, Jasper Griffing, Joshu. Horton, Abra. Howell, Wm. Herrick, Sa. Arnold, Ma. Howell, Tho. Maps, Jonat. Horton, Tho. Youngs, Jos. Peirson, Jos. Fordham, Jeremiah Scott. *Subscribed as preceding.* 1 p.

999. xiv. Copy of Address of the Mayor, Recorder, Aldermen and Assistants of Albany to Governor Lord Cornbury. We thankfully congratulate your Lordship's great kindnessse in visiting the frontiers, which are truly refresh[ed] with your Lordship's so long stay amongst us. We have laboured under the greatest of hardships during the late war, our inhabitants daily destroyed, carried captives and grievously injured by the furious incursions of the French, and those miseries have been attended with a grievous burthen and excessive charges in being obliged to give free quarter unto officers and soldiers posted here during the late war for the common defence of the whole Province. We have been also forced at our own particular blockhouses, which was

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accomplished at so great a charge that many of the inhabitants were thereby much impoverished, and others by such grievous charges constrained to desert. Nothing could conduce more for our security and for preventing these miseries, specially since a warr is now again begun, then the building a stone Fort for the security of the frontiers and preservation of this City ; and though we have often petitioned for the same to your Lop.'s predecessor, yet we could never get desired thing begun but by your Lordship. We will endeavour to choice such Representatives for the next Assembly as will chearfully assist your Lordship in seeing the said Fort finished, and shall with our utmost endeavours improve your Lordship's favours by disposing the minds of all the subjects within this city to forget all injuries and animosities *etc.* *Signed,* Luydas Gerrits, Jacob Turck, Jo. Beeckman, Joh. Hermanson, Jer. Mynqueel, Hen. Jacobsen, Assistants ; Wessel Ten Broeck, Jos. Roseboom, Johannes Cuyler, Johannis Schuyler, David Schuyler, Aldermen ; Johannis Bleecker, Mayor ; J. Abeel, Recorder. *Subscribed as preceding.* 1 p.

999. xv. Copy of Address of the People called Quakers in the Province of New York to Governor Lord Cornbury. We the King's dutiful subjects, being most of us ancient Planters, or descended of such, and having all along thro' the former Governments enjoyed the liberty of our votes for Members to serve in Assembly, whereby we might be represented as well as the rest of the Free-holders in our persons and estates, *have been* lately denied that undoubted right of choosing our own Representatives at an Election in Queen's County, on the Island of Nassau, Sept. 5, 1701, because we could not, for conscience sake, swear we were freeholders, altho' it was well known to the Sherriff and Judge Coe that we were such ; as appeared by certificate under the hands of two Justices of the Peace of the said County, and that we had signed the Declaration ordered for our relief by Act of Parliament, the which hardship it hath graciously pleased the King and Parliament to ease our friends off in England, and which was never required of us here before the coming of the late E. Bellomont, who upon our complaint granted us relief. Since his decease, we made application to Lt.-Gov. Nanfan, who demanded the opinion of Judge Atwood concerning our right to votes, from whom he received answer that it belonged not to Governor nor Judge to give any opinion therein, but refer'd it unto the Sherriff. We are also necessitated to lay before the Governor an opression that we lie under, being imposed upon by some of our neighbours, who are likewise Decenters, destraining on our goods and disposing of the same at their own will and pleasure,

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because we could not think it our duty to contribute with them to build their Nonconformist Preacher a dwelling-house, and we do humbly conceive they have no legal power to impose any such tax upon us. *Pray for redress.* *Signed,* Jo. Rodman, Thomas Stephenson, Wm. Bickley, John Way. *Subscribed as preceding.* 1 p.

999. xvi. Copy of Address of the French Congregation of New York to Governor Lord Cornbury. We Minister and Elders of the Church of French Refugees in this City hereby express our lively sense of the great deliverance God has granted through your agency to this Province, which had long groaned under the cruel oppression of a group of people, who had converted to tyranny the authority placed in their hands. It is certain that they would have ruined this Colony, if they had had time to execute their black designs, and in particular our flock was on the eve of a grievous scattering, since the last Assembly had resolved, at the instigation of the principal officers, to prosecute our Pastor as a factious person, because having had certain intelligence of your Excellency's departure from England, he had prayed God in our public prayers to preserve your Excellency. Your Excellency has already arranged affairs so that it cannot be doubted but that the Laws, which have been so strangely trampled under foot, will recover under your authority all their ancient strength and vigour. *Signed,* Peiret, Minister; Jean Barbine, Pierre Basset, Elias Neau, Paul Droilhet, Elders. *Subscribed as preceding.* 1 p.

999. xvii. Copy of Address of Caleb Heathcote and others in behalf of themselves and two-thirds of the Freeholders of the County of Westchester, to Governor Lord Cornbury. Congratulate H.E.'s safe arrival. We lay at the brink of ruin, under a cruel and unheard-of persecution. Had your Excellency's passage been a month longer, most, if not all, of the principal inhabitants must have fled for protection, they being credibly informed that no less than a general destruction was designed; and amongst the innumerable hardships and oppressions we have laboured under, the late Earl of Bellomont placed for Judge in this Country one Richard Shuite, a person very mean in his fortune, parts and education, and profoundly ignorant of the English Laws and Constitutions, and extreamly unqualified or unfit for any place of trust; nor was any further regard had in the appointment of the other Civil Officers than their violently adhering to a party. And as if H.M. subjects in this County were unfit to bear arms, or at least to have a knowledge of the right use of them, since the time of Col. Fletcher's Government, no Commissions have been granted to the Military nor any officers ordered or directed to exercise or discipline the Militia,

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and that the enemies of our Peace might the better perpetuate their dominion over us in the Election of Representatives for this County, although the Free-holders by plurality of voices made choice of Mr. Joseph Purdey, who was not only fairly chosen, but returned by indenture, yet without so much as the least colour of Law, Custom or reason, he was unjustly expelled by the late pretended Assembly, and one Henry Fowler who was not the choyse of the people admitted to sit in his room. *Protest* their firm zeal and sincere affection to H.M. service and interest. *Signed*, Caleb Heathcote, John Bayly, Joseph Haviland, William Willet, John Drake. *Subscribed as preceding.* 2 pp.

999. xviii. Copy of Address of the Chiefest and Principal Inhabitants of the County of Ulster to Governor Lord Cornbury. *Congratulate his arrival.* It is our unhappiness we cannot say this in the name of the whole, for those wedges that have been formerly forged, these last four years, have been tempered to that extream hardnesse that have split the country almost into two halves, yet we thank God, can say we are the chiefest and greatest part. We congratulate your Excellency's extraordinary good success in the negotiation with the Five Nations of Indians, which is of that great import to all these H.M. Northern Dominions, and express our grateful resentments for your Lordship's untir'd fatigues and vigilance in fortifying the frontiers. The ingratitude of the nine leapers puts us in mind to return with the tenth to express our duty by our thankful acknowledgments for those particular favours recd. by commissionating a Judge of our Court, whose affections for the English interest and uprightness the most malitious cannot blame, and the Sherriff and Clerks' qualifications not to be ashamed by such as have had those places in the time of the two late Governors. These favours will be more than double ties to us to manifest our allegiance against all the open and private enemies to the English interest and your Lordship's administration. The fears that the threads of our ravelled expression will too much weary your Lordship to wind into clues doth hinder us from uttering more of our sincere obedience etc. 29 signatures, mainly Dutch. *Subscribed as preceding.* 2 $\frac{3}{4}$  pp. [Set out in New York Documents, iv. pp. 1009, 1010.]

999. xix. Copy of Address of the Officers, Civil and Military, and the most loyal Freeholders and Inhabitants of H.M. County of Suffolk, Island of Nassau, to Governor Lord Cornbury. The late administration of the Government of this Province hath appeared to us so strange and amazing, as well in the Legislative as in the Executive thereof, that notwithstanding we are all H.M. natural-born subjects, we could not but apprehend our lives

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and estates to be in no small hazard etc. so that our general joy is redoubled at your Excellency's safe arrival. We in this County for many months together have been debarred from the common methods of Justice; had no Sheriff, Judge of the Common Pleas, nor Clerk of the Peace and County, no County Courts, Common Pleas, Sessions of the Peace, nor any way left for any man to recover his just right; strangers put in Magistracy, unexperienced and ignorant of our Laws and Constitutions, most indigent in their fortunes and scandalous to H.M. Government, etc. *Signed*, at Town Meetings, East Hampton, June 4; South Hampton, June 4; Southold, June 8; Broock-haven, June 9; Smith Town, June 9; Huntingdon, June 10.  
*Subscribed as preceding. 2 pp.*

999. xx. Duplicate of No. xviii.

999. xxi. Copy of Address of the Rector, Church Wardens and Vestry of Trinity Church, New York, to Governor Lord Cornbury. We, with hearts full of alacrity and exuberant joy, congratulate your safe arrival. The just fears which we had conceived under the late administration of your predecessor, and the great hopes and confidence we presumed in your Lordship's friendship to our Church and righteous cause, moved us to an earlier Address, but as the news [*of your appointment*] appeared to us to be the opening of the door of Hope, [*so*] to those who were contriving to raze our very foundations, it caused a bitterness and overflowing of the gall, who not only laboured to diswade the people from their hopes of seeing your Lordship, but raised a terrible and violent persecution against our Ministers, and most of the Members and frequenters of our Church, on account of signing Addresses to your Lordship etc. the contents of them being still to them unknown etc. Mr. Weaver and Mr. Atwood were the principals. These enemies of our peace being dissolute in principle as well as immoral in their lives and conversation, make it their study falsely and maliciously to slander our Minister, as well as others, with the character of Jacobitisme etc. and had like to have broke over the hedge which H.M. had most graciously planted about us. We do assure your Lordship of our sincere affection to H.M. most sacred person and government, and that we will contribute our utmost endeavours with our lives and fortunes to support and maintain this principle against all H.M. enemies and the enemies of the true Protestant interest, etc. *Signed*, Will. Peartree, Ja. Emott, Jno. Theobalds, Lancaster Syms, David Jamison, Robt. L. Hooper, John Corbett, Will. Smith, Wm. Morris, Wm. Huddlstone, Robt. Skelton, Will. Vesey, Tho. Wenham, Richd. Willet, M. Clarkson, Ebenezer Wilson, Robt. Lurting, John Tuder, Tho. Ives,

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Jeremiah Tothill, Will. Anderson. *Subscribed as preceding.* 2 pp.

999. xxii. Copy of Address of the Freeholders and Inhabitants of King's County, Nassau Island, to Governor Lord Cornbury. *Similar to xix.* *Signed,* Henry Filkin, John Grigg, Joseph Sedgman, Nich. Stilwell, Saml. Grigson, Thomas Stilwell, Wm. Van Burkeloe, John Orsen, Jacus Cortelyon, Peter Cortelyon, Claus Wickost, Garret Stortsoft, Denis Hegeman, David Williamson, Alexander Simson, Laurence Johnson, Stustel Robasko. *Subscribed as preceding.* 2 pp.

999. xxiii. Copy of Address of the principal Freeholders and Inhabitants of Queen's County, New York, to Governor Lord Cornbury. *Congratulate his arrival.* For near four years we have laboured under the utmost calamities, our liberties infringed and properties invaded, *etc.* for no other reason but that English blood fills our veins *etc.* *Signed,* Thomas Willet, Thomas Hicke, Thomas Yeates, Danl. Whitehead, St. Clowes, *p.* Wm. Lawrence, Robt. Read, Elbert Willett, Thomas Jones, John Moss, Tho. Willett, junr., Jonathan Haight, Joseph Field, James Clement, Robert Hinchman, Wm. Bloodgood, Wm. Doughty, Saml. Haight, Danl. Clark, Wm. Flower, John Larwoud, John Salmon, Tho. Hickes, Thomas Cirus [?], Francis Doughty, Wm. Ampeny, Thomas Hedger, Joseph Hedger, Samuel Thorne, Saml. Thorne, jr., Benjamin Thorne, Benjamin Haviland, John Esmond, Jacob Haviland, John Hicks, Benjamin Hicks, Richard Cornell, Jacob Cornell, John Cornell, Thomas Cornell, John Cornell, William Owen, George May, John Foster, *p.* Henry Dewsberry, Tho. Okley, George Woolley, Joseph Smith, jr., John Wolsey, John Feney, Joseph Smith, James Lewis, Daniel Deane, *p.* Wm. Laurence, Ebenezer Smith, *p.* George Wright, Anthony Waters, *p.* Thomas Smith, Saml. Smith, David Waters, Nathaniel Smith, Charles Williamson, John Carpenter, Jona. Deane, Isaac Grady, Andrew Gale, J. Bentustener, Nehemiah Smith, Henry Taylor, Saml. Hallett, Abel Gale, Wm. Pearce, Wait Smith, Edw. Burrowes, James Hadlock, Saml. Hecht, jr., Edwd. Griffin, Wm. Laurence, jr., Richard Griffin, Nich. Height, Tho. Wildey, John Man, Nath. Denton, John Lambertse, Jonath. Waters, David Waters, Saml. Bayley, Elias Bayles, Danl. Bayles, Saml. Skidmore, Timothy Mills, Saml. Gaile, Thomas Borrows, jr., Josiah Wiggins, Henricus Hedgman, Jacob Cornwell, Tho. Stevenson, Jonath. Whitehead, John Jackson, Saml. Dane, John Smith, John Jackson, jr., Wm. Pine, Thomas Smith, Christ. Dinge, Pet. Stringham, David Scudder, Edward Spragg, James Bates, John Livingston, Charles Radle, Ephraim Golding, Tho. Flewelling, Tho. Davis, Saml. Denton, Tho. Cheesman, Joseph Halsted, Jacob Doughty, John Cornwell,

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Johna. Denton, Benj. Halsted, Richd. Smith, George Pearceall, Tho. Pearceall, Danl. Pearceall, David Halsted, Jerem. Post, John Robinson, Jno. Johnson, John Spragg, Richd. Townsend, John Carman, Thomas Carman, John Serring, Adam Mott, George Wood, Edward Hunt, Arthur Willis, John Roberts, Jacob Reeder, Joseph Hallett, Wm. Case, Richard Alsop, Thos. Evins, Jona. Strickland, Jona. Roberts, John Pettit, Saml. Moore, Tho. Betts, John Denman, Joseph Sackit, Joseph Moore, Saml. Moore, jr., William Hallet, John Sendder [sic, ? *Scudder*], Joseph Reed, Jacob Gosselin, Joseph Sackit, jr., John Reeder, jr., Richd. Schudmore, Josiah Forman, Richd. Burt, Wm. Hallet, Thomas Farmer, Robert Warry, John Albertus, Richd. Betts, Wm. Denman, Richd. Betts, jr., David Helbert, Phillip Ketcham, James Way, John Stephenson, Benjamin Severus, James Renne, Nath. Fish, Saml. Hallet, jr., Johnan. Fish, Elnathen Field, Josias Foreman, Thomas Pettit, Nath. Woodard, Jonant. Moore, John Gaveel, Eddw. Stephenson, Wm. Hallet, Joseph Burrowes, Joseph Keeder, Abrah. Kecke, Gresham Moore, Jacob Keeder, John Everet, Gresham Wiggins, Natha. Okeley, Wm. Cornwell, Peter White. *Subscribed as preceding.* 4 pp.

999. xxiv. Copy of Address of the Principal Freeholders and Inhabitants of Richmond County to Governor Lord Cornbury. *Congratulate his arrival.* For this four years past we have been deprived of the benefit of our Laws and Liberties, by reason the most ignorant being put into Commission, and had it not been for one Englishman, whom pure necessity constrained to be commissionated, the English language had been lost on our Bench, etc. *Signed*, Nich. Manning, Richd. Mitchel, Richd. Mitchel, jr., Joseph Palmer, John Rew, Oswald Foord, Jno. Tannoe, Jab. Suss, John Brown, Jean La Tourrettes, Henry Chadeayne, John Chadeayne, Diner Cerveau, Danl. Stillwell, James Pitchie, Jno. Heremson, Jno. Shotwell, Jan Tomison van Pell, Laur. Decanus, Johan. Decanus, Benj. Cooper, Ferdinando Wamisly, Richd. Curtis, Tho. Stillwell, John Stillwell, Tho. Stillwell, jr., Nath. White, jr., Aaron Prall, Cha. Marshell, Wm. Britten, Lambert Garison, Lewis Du Boas, Tho. Walton, David Bonfoy, Geo. Green, Jos. Britten, Ephraim Tayler, Danl. Shotwell, Richd. Marel[1], Philip Marell, Richd. Marell, jr., Wm. Comins, Ellis Duxbury, J. Billop, Abrm. Cole, Danl. Arnan, Jno. Arnan, Benj. Britten, B. Le Conte, Jean Chadeayne, Christ. Garetson, Nath. Britten, Henry Berry, Nath. Britten, Ed. Aresmoth, Nyec Reals Direckse, Hendk. Van Dyke, Danl. Lake, Abrm. Lake, Saml. Osburn. *Subscribed as preceding.* 2 pp.

999. xxv. Copy of Address of Freeholders and Inhabitants of the City and County of Albany to Governor Lord

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Cornbury. We congratulate your Lordship's arrival, which has already had that fortunate influence among us to dissipate clouds of disorder, abuse and oppression etc. We give your Lordship our thanks for taking it out of the power of our oppressors to perpetrate their wicked designs, divesting them of that authority they perverted to the ruin of H.M. subjects. *Entreat* protection of the County in case of war. *Signed*, Peter Schuyler, Derick Wessells, John Obele, John Schuyler, Wesselton Broeck, Jonathan Broadhurst, Jacob Turke, Lucas Garretse, Johannes Meindertse, Harpert Jacobson, Johannes Mingel, John Gilbert, John Harmense, Egbert Tunese, Gerret Tunese, Gerret Feynese, Hendrick van Rensler, Hendrick Othout, Wm. Alen, Fredrick Meindertse, Andres Janse, Edward Reinies, Johannes Chuyler, John Sandersglen, Adam Vroman, Peter van Olinda, Isaac Swits, Arent Vedder, Symon Swits, Peter Vroman, Danl. Johnson, Jacobus Vandick, Gerret Lucason, Hendrick Vandick, Albert Richman, Jacob Lockermans, Robert Livingston, Evert Bancker, Meinert Schuyler, Phil. Schuyler, John Collins, Anthony Brat, Fredrick Harmansen, Wm. Jacobson, Will. Ketel, Alber Slingerlandt, David Ketel, Hendrick Dow, Derick Van Vieght, Jan Witbeeck, Wouter Quackenbus, Harman Richman, Johannes Beker, Andres Dow, Jacobus Peake, Flip Flipse, Jacob Van Olinda, Giles Van Vorst, Marter Bentherse, Andres Classe, Harmanes Vedder, Jan Fort, Clause Lorese, Jacobus Schuyler, Barent Brat, Wm. Van Aula, Johannes Brat, Tho. Harmanse, Johannes Van Viechter, Albert Richman, jr., Meinert Fredrickse, Wouter Vanderse, Jan Rosee, Anthony Brees, Derick Vanderheighden, Johannes Othout, John Feyne, Jan Garrise, Jan Venes, Alber Harmanse, Hendrick Linsing, Lamber Janse, Folgert Weitbeck, Harman van Slike, Evert van Epan, Danl. Van Olinda, Josias Swart, Symon Danielse, Arent Daniese, Victor Potman, Peter Mebe, Daniel Danielse, Arnout Clause, Curset Vedder, Powles Martense, Van Bent Heise, Robert Livingstone, Keliam van Rensler, Will. Hogan, Lucas Lucase, Abra. Schuyler, Reier Garretse, One Van Corler, Derick Egberse, John Car, John Salmonse, Cornelius Bogardus, Isaac van Plank, Gisbert Marselus, Derick Hogobome, Jacob Ennison, Hendrick Froman, Tho. Milton, Anthony Van Skick, Tho. Smith, Marte van Fleek, Ben. Roberts, John Mebe, William Morris, Isaac Falconbrough, Harman Flips, Maleot Vanderpoole, Ahasuerus Marselus, Claus Jacobs, Malgert Vanderpoole, jr., Manning Harmerense, Johannes Aple, Danl. Brat, Claus Lucas, Joseph Johnsen, Martin Van Olinda, Jacobus Parker, Warner Castense, Reiner Meindertse, Baltus Bentherse, Jacobus Schoanhova, Hendrick Schoanhova, Falcot van Viohten, Wouter Quackenbus,

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Laurence Van Skeech, Corne Van Sleek, Johannes Teller, Jan. Danielse, Saml. Arnse, Jan Baptist Van Eps, Johannes Glan, Lewis Peake, John Linch, Ennis Swart, Perter Clement, Geraldus Camfort. *Subscribed as preceding.* 3 pp. [C.O. 5, 1047. Nos. 68, 68.i.-xxv. ; and (without enclosures) 5, 1119. pp. 230-245.]

Sep. 27. **1000.** Order of Queen in Council. Approving the Report of At the Court the Admiralty upon the reference of Sept. 24, that it is very necessary all care should be taken for the security of Barbados and the trade thither, and finding that during the whole course of the last war with France there was not more than one-fourth and one fifth-rate allowed at the same time for this service, we shall, as soon as an opportunity offers, and that a ship can be spared, add a fourth-rate to the fifth that is now attending that Government, and in the meanwhile we hope they will be safe thro' the countenance which they may receive from the Squadron of H.M. ships with Vice-Admiral Benbow in the West Indies, who tho' he is in a particular manner directed to have a regard to Jamaica, yet he has also Instructions to protect and assist the other Plantations, which is a greater security than they had all the last war. *Signed,* Geo. Churchill, Richd. Hill. Admiralty Office, Aug. 31, 1702.

Ordered that H.R.H. the Lord High Admiral do give the necessary directions for adding a fourth-rate to the fifth that is now attending Barbados. *Signed,* John Povey. *Endorsed,* Recd. Read Oct. 9, 1702. 1 $\frac{3}{4}$  pp. [C.O. 28, 6. No. 81 ; and 29, 8. pp. 222, 223.]

Sep. 27. **1001.** Order of Queen in Council. Granting Capt. Haskett's Bath. petition, and ordering, in favour to the petitioner and for his more speedy relief that his petition and affidavits be referred to the Lords Proprietors, who are to proceed thereon instead of the Commission of Enquiry, and to report their opinion upon the whole to H.M. in Council. *Signed,* Edward Southwell. [C.O. 5, 289. pp. 106, 107.]

Sept. 28. **1002.** Minutes of Council of Bermuda. H.M. Proclamation for war read, and ordered to be proclaimed. The information of Lawrence Hedding, who came a prisoner in the French Fleet from the Havanna, approved of, and to be sent to Jamaica. [C.O. 40, 2. p. 50.]

Sep. 29. **1003.** Col. Morris to the Council of Trade and Plantations. Jersey. New Jersie is still without Government and the receptacle of abundance of rogues that cannot be safe anywhere else, who dayly repair to this Province as to an Asyle ; and so many of the soldiers from New York are here protected, that in a little time whe shall be able to supply that garrison. I cannot say we suffer all the miseries of confusion, but really a great part of them we do ; our Province being without Law and Gospell, having neither Judge or Provost. I lay'd (when in England)

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before your Lordships some records of severall ryots, or rather Rebellions committed against that Government there was here, and begged there might be some notice taken of them ; I must renew the same entreaties, because it is for the publique service, and must assure your Lordships, if those persons are suffer'd to passe with impunity, H.M. Governors, not only here, but in all the neighbouring Plantations, will find the ill-effects of so pernicious an example, the common people never considering the true natures and circumstances of things, but blindly copy, and generally after (and outdo) the worst originals. I dare not determine that the present ill circumstances of New York, Jersies, Pennsilvania, the Carolinas, and Lucay Islands, are derived from New England ; but the transcripts were so exact in most or all the circumstances, that I fear they were too much influenc't by that worst of examples. It is urged in deffence of the rioters in our Province that the Proprietors had no right to Government, and their Governor without the King's approbation had no more authority than a private person. All the power then in being was lodged in the Proprietors Governour, whether rightly or no, I won't determine ; nor do I think the mob were to be Judges, were it so or not. And since his late Majesty did not think fit to supersede the Proprietors' Governour by any person more immediately commissioned from himselfe ; it was the people's duty to sit still and obey, there being no other end in asserting any authority than the publique good. And however lame the Proprietors' authority was, 'twas derived by a grant from the Crown and dependent on it. The conservation of the peace, putting in execution the Laws and administering Justice was both a benefit to the people and a service to the King. On the contrary, the beating and wounding Sherrifs, affronting the Courts, driving the Justices of the Bench, laying violent hands on the Governor, and part of his Council, and imprisoning them, and all this (excepting three or four) done by the very dregs and rascallity of the people, was an almost irreparable losse to the Province, an affront to the Crown, and what ought not to pass (I speak with submission) without a check at least. The making of them sensible of their errors by force was a method of conviction forbore not of necessity but choice, not doubting proper notice would be taken by both their superiors and ours. I trouble too long, and am sorry for the occasion, but to see men of the best figure and estates in the Province daily insulted by crowds of the most necessitous scoundrels, the scum and dregs of mankind, is no small temptation to resentment, and hope will inclyne your Lordships to excuse. *Signed,* L. Morris. *Endorsed,* Reed. Nov. 30, Read Dec. 9, 1702. 4 pp. [C.O. 5, 970. No. 9; and 5, 994.A. pp. 124-127.]

Sept. 29. 1004. Sir John Fleet, Knt., and other Merchants of London to the Council of Trade and Plantations. Petitioners' ship the *Joseph*, Capt. Brooks, Master, being impressed into the service of his late Majesty by H.E. the Earl of Insquin, then Governor of Jamaica, to serve in the expedition against the French,

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there is due to Petitioners, as appears by accounts adjusted by H.M. Auditor General, 1,147*l.* 8*s.* 10*d.* Petitioners obtained Order in Council, March 30, 1693, referring the matter to the Treasury, and an Order, Oct. 5, 1693, referring the report of the Treasury and of the Navy Board to the Council of Trade and Plantations for their report. Notwithstanding their solicitations, they never proceeded in the matter. *Pray* their Lordships to take their case into serious consideration. *Endorsed*, Recd. Read Sept. 29, 1702. 1 *p.* [C.O. 137, 5. No. 84.]

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**1005.** Governor Lord Cornbury to the Council of Trade and Plantations. *Acknowledges letters making enquiries as to the Court of Admiralty.* [See Cal. 1701.] The first time there was a regular Court of Admiralty here, it was established by Col. Fletcher by virtue of a warrant from the Lords of the Admiralty empowering him to appoint a Judge, Register and Marshall for the Court of Admiralty; after that, in my Lord Bellomont's time, there was a Commission from the Lord of the Admiralty appointing Col. Smith Judge of the Admiralty here, and since that, Mr. Atwood brought over with him a Commission from the Lords of the Admiralty, constituting him Judge of that Court. *Signed*, Cornbury. *Endorsed*, Recd. Nov. 30, Read Dec. 23, 1702. *Holograph.* 1 *p.* [C.O. 5, 1047. No. 69; and 5, 1119. pp. 256, 257.]

Sept. 29.

**1006.** Duplicate of preceding. [C.O. 5, 1047. No. 70.]

Sept. 29.  
Orange  
County.

**1007.** Governor Lord Cornbury to the Council of Trade and Plantations. Your Lordships' letters of May 5th came safe to my hands, the one on July 29, and the other on the 21st instant. *Reply as to Naval Stores* :—In the beginning of June, came into the Port of New York the ship *Benjamin*, Capt. Ondyke, from Jamaica. She is by her charter party bound to go to the West Indies, and in her return to take in masts and timber at New York. Upon that ship's arriving, I enquired after the masts and timbers, and found that my Lord Bellomont was entered into an agreement in writing with one Ryer Schermerhoorn of Schenectady for the providing 24 masts. That number of masts was cut, but they were not of the dimensions agreed for, nor were they brought to York as they ought to have been. Schermerhoorn had had 100*l.* advanced to him by my Lord Bellomont, and he is not able to refund it. This being the case, and this ship being come, I thought it was not fit to send her home empty if it could be avoided, so I sent for the carpenter of the *Jersey* and the carpenter of the *Benjamin*, and ordered them to go to Albany along with Schermerhoorn to view those masts, in order to have them brought down, and I told Schermerhoorn that if they were found serviceable, I would appoint two persons to value them, and if he would do the like, he should be paid according to that valuation; if not, I would have nothing to do with his masts. At last with some difficulty he consented to this proposall; the carpenters reported the masts serviceable,

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Schermerhoorn brought them down to York where they have been valued at  $410l.$  10s. 0d., of which Schermerhoorn has already received  $180l.$ , and indeed I thought it better to take the masts, though there must be  $230l.$  10s. more paid, then to sue a man for  $180l.$ , who we know not able to pay it, and especially since here is a ship that must have returned empty. As for the timber, that was a private bargain between my Lord Bellomont and Col. D'Peyster, of which I cannot yet get a full account, but thus much I find, that the money for it is paid, and the timber lies rotting some part of it upon a kay at New York, and the rest in the woods where it was cut, 50 miles from New York ; as much of that which is at York as is good shall be put on board the *Benjamin* with the masts ; that which is in the woods cannot be brought from thence till the frost is strong enough to bear the slays, then it shall be brought from thence to York ; then I will send an account of the nature and quantity of it to the Commissioners of the Navy for their directions. I have made the best inquiry about Naval Stores in general which I could in the little time I have been here, and considering the difficultys I have met with in most things, occasioned by the mismanagement of those I found here in power, nevertheless I am well satisfied that England may be supplyed from this Province with great quantities of very good timber of all sorts for ships, masts, rosine, pitch and tarr, and I hope at reasonable rates ; but I doe not think it for the advantage of the Queen that these things should be provided by the Government here, but that contracts should be made with merchants here to furnish those stores at certain prices to be settled, then the Queen will be at a certainty, because whoever contracts must deliver nothing but what is fit for service, whereas if the Government does it, there may sometimes happen great loss by the negligence of those that fall the masts. That your Lordships may be satisfied that the thing is feasable, I send you a copy of a proposall made to me some few days since by very substantiall men ; if the proposall is approved of, I desire your Lordshipps will let me know it as soon as may be ; because they would be preparing those quantitys they propose to send for a tryall by May Day, 1704. *Signed*, Cornbury. *Endorsed*, Recd. Nov. 30, Read Dec. 23, 1702. *Holograph*. 2 pp.  
*Enclosed*,

1007. i. Abstract of preceding.  $1\frac{1}{2}$  pp.

1007. ii. Copy of the Charter party of the *Benjamin* referred to in preceding letter. *Endorsed*, Recd. Nov. 30, 1702. 2 pp.

1007. iii. Copy of Contract between Lord Bellomont and Ryer Schermerhoorn. [See *Cal. A. & W.I.* 1700. No. 953. x.] *Endorsed as preceding*. 2 pp.

1007. iv. Survey of the Masts intended to be shipped on the *Benjamin*. *Endorsed as preceding*. 1 p.

1007. v. Valuation of 21 masts referred to above— $410l.$  10s. Sept. 11, 1702. *Signed*, Samuel Blackman, Beverly Latham, John Bond, Thomas Clungen. *Endorsed as preceding*. 1 p.

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1007. vi. Valuation of 19 masts referred to above—390*l.* 10*s.*  
 $\frac{3}{4}$  *p.*

1007. vii. Proposals made to Lord Cornbury for supplying masts etc. for the Navy from New York. *The quotations range from 16*l.* for a mast 26 yards long and 26 inches in diameter to 85*l.* for a mast 35 yards long and 36 inches in diameter. No signature. Endorsed, Reed. Nov. 30, 1702. 1 *p.* [C.O. 5, 1047. Nos. 71, 71.i.-vii. ; and (without enclosures) 5, 1119. pp. 257-263.]*

Sept. 29. **1008.** Duplicate of preceding letter. [C.O. 5, 1047. No. 72.]

Sept. 29. **1009.** Governor Lord Cornbury to the Council of Trade and Plantations. Having appointed the Five Nations and the River Indians to meet me, at Albany, June 25, I prepared myself to be there at that time, but having received a message from them, that they could not be there till July 10, I got thither July 5. On July 9, three of the Canada Indians desired to speak with me ; on the tenth the far Indians, called Twightwighs and Tionondadeos desired the same, on 15th the Five Nations came to me, and on 17th the River Indians. I look upon the yearly presents made to the Indians to be a very great charge to the Crown, and yet I doe not see any possibility of saving it, as long as the French are possest of Canada, because if you once give over giving them presents, they will immediately goe away to the French, and the consequence of that will be that the people here will not be able to stir out of their houses, for fear of being scalp't. The Five Nations promised me to be firm to our interest, but I have some reason to believe the Ciniques [? *Senecas*] Cayuges, and Onnondages will not be true to us, for I was inform'd two days ago that they had received Priests among them, and indeed that is one reason of our loosing them, because we have no Ministers among them, and indeed I think it would be a means to keep them much firmer than they are, if we could have two Ministers settled in two of their Castles. But I think the only good way of securing the whole Continent, would be to drive the French out of Canada, and I look upon it to be a very feazable thing, and not be a mighty charge neither, considering the advantage that would accrue by it to England ; the duties upon peltry would alone in a short time reimburse the charge, for it is certain that they send more goods from Canada in one year to Europe than we do in ten. That the thing may be done with ease is certain, 1,500 well disciplined men from England, well officered, and eight fourth-rate fregots joined with what we can raise in these Provinces will do that matter effectually, if they are well armed, and sufficiently provided with ammunition ; as for victuals, we can supply that in these Provinces, and we have smal craft enough here to carry the Provisions to the places where they will be wanting. It will be very requisite that 4,000 arms be sent thither to arm the men we raise here, and I propose a bomb-vessel be added. I propose the ships and 1,500 men should be at Boston by the end of March, or the beginning of

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April at farthest, when the ships are fitted with what they want, I propose they shall take 1,000 men more on board, and sail directly up Canada River towards Quebec, in order to attack that place, and that at the same time 2,000 men more, or 2,500, may march by land towards Mont-real from Albany ; this will make the whole number of men to be employed 5,000 men at most, besides the ships, so that the charge may easily be computed. The advantages that will accrue are many ; first, this being done, you will be masters of all the peltry trade of America ; then the constant charge of presents to the Indians will cease, for then the Indians must depend upon you for what they want, so you may do with them as you shall think fit, and the people of these Provinces will apply themselves to the improvement of their lands, without fear of being scalp't, whereas now they are in perpetual fears and alarms. They are so sensible of these things that I believe there is scarce a man that would not leave his family and his business to give a helping hand to this undertaking. If this should happen to be approved off, I know your Lordships will let us know it as soon as may be, that we may be preparing for it, in order to be ready against the time, that nothing may be wanting on our parts. By the next ships I shall send your Lordships an account of the Forts the French have at Canada, and the number of men in each Fort. *Signed, Cornbury.*  
*Endorsed, Recd. Nov. 30, Read Dec. 23, 1702. 3 pp. Enclosed,*

1009. i. Abstract of preceding. 1 p.

1009. ii. Conference held at Albany between Governor Lord Cornbury and the Indians, July 9-20, 1702.

1009. ii. (a) Propositions made by two Canada Maquase Sachims, Taquayanont and Sinjaderise, accompanied with Degagedore, another Indian of Canada, to H.E. Father Corlaer ; We heard at Canada that you were sent by the Great King of England to be Governor, and congratulate your arrival. We are not sent in the quality of Sachems from Canada, but are come here to trade. Since the Peace we have had the liberty to come here and trade and have had the benefits of hunting in Peace and safety, and as a token present your Lordship with two beaver skins. We hope your Lordship will contribute to the Peace. We presume to inform you that Onnondio, our Governor of Canada, has told us that if a war should break out, as is dayly expected, that we Indians should sit neuter. Now we desire to know whether you think our Govermour is reall or not, and whether we may depend upon it, and how that your Lordship intends to do with the Indians in your Government, whether you will keep them in from warring upon us. To be plain with your Lordship, this is the cause of our stay here so long. *Do give two Beaver skins.*

His Lordship asked how long they designed to stay, that he may give them an answer. They said they believed they would not be ready before the Indian

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propositions were over. *Signed*, P. Schuyler, Robt. Livingstone, Secretary for the Indian Affairs.

1009. ii. (b) Propositions made by Five of the Farr Indians called Twichtwighs and Tionondadees, sent by the Sachims of the said Nations, who live at Tjughsaghrondie, a place where the French have built a Fort last year, to H.E., July 10, 1702. Tehonwahonkarachqua, a Twichtwigh, son-in-law of the principal Sachim of Dionondadee, said, "We bid your Lordship heartily welcome and do give a Bever coat." Rughkiwahaddi, a Dionondade, said, The greatest part of the Dionondadees and many of the Twichtwighs are removed and come to live at Tjughsaghrondie, hard by the Fort which the French built last summer, which said two Nations are united. We belong to those Dionondadees who live at Tjughsaghrondie, and our Sachims having heard by one of our Indians called Towasquaye that he was kindly treated here about two years ago, we are sent hither to return thanks, and to see if that good treatment and understanding continues, and withal to enquire concerning the trade of this place. We are directed by our Sachims to see if goods be cheaper here than elsewhere, and where we find goods cheapest, thither we will bend our course. We designed to go to Canada with our Bever and Peltrey, but we ventured and are come here to try and see whether the goods be cheaper here than there. *Do give seven bevers.* We being strangers were much at a losse when we came to the carrying place of Oneyde, none of us having ever been that way before (Tewasquaye, when he came hither two years ago, coming by the way of Canada). We do therefore pray that the path over the carrying-place may be mark'd upon the trees, and the old trees taken out of the Creek, which much hinders the passage of canoes, and will much facilitate their coming hither. There are 8 of our Nations that are now in war with the Nandowasses, by the French called Pani, a Nation of Indians that live to the westward, towards the Spaniards.

My Lord replied that he was glad to see them ; that Abraham Schuyler and Jean Baptist were appointed by him to goe along to see they be civilly used by the Traders in the disposal of their beavers and peltrey. The Indians prayed he would dispatch them as soon as possible with an answer, since their Sachims would think long for their coming back. His Lordship said he would either answer them before they traded or after as they pleased ; they should not be detained. They prayed they may have an answer before they traded, for that they hoped to be dispatched before the Sachims of the Five Nations came, whom they would not have to be privy to this Conference. His Lordship

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directed them to attend to-morrow morning, and they should have an answer.

1009. ii. (c) Albany, July 13. The Sachims of the Five Nations being come upon H.E.'s message, they all waited upon him at his lodging, and after they had saluted him after their manner, addressed him by Onucheranorum, the old Maquase Sachim:—We are extreamly glad that the Crown of England has been pleased to send one to be our Governour who is so nearly related to that great Woman who reigns now over England and all these parts of America. You are, as we are informed, of the Queen's own blood, which is matter of rejoicing to us. We will be obedient to your Lordship's commands. Our joy of seeing your Excellency here Governor of this Province is from our very hearts, yea, our joy extends quite to the heavens. H.E. answered: I am glad to see so many of the Sachims here. I thank you for your kind congratulations. I have several things to propose to you, and will appoint the day for your attendance. Meantime you shall have provisions for your refreshment, whatever you shall have occasion for.

1009. ii. (d) H.E.'s answer to the Far Indians called Twightwighs and Dionondadees. Albany, July 14, 1702. I thank you for your kind congratulation, and am extreamly well pleased that I have now an opportunity (which none of my predecessors ever had) to speak with you about the establishment of a lasting friendship and trade, which shall always be encouraged on my part, and as a token of my sincere intentions and of your being heartily welcome to these parts, I do give you 5 guns, 10 bags powder, 5 lac'd hatts, three stroudwater coats, some tobacco and pipes. I perceive some of your people have left their native country and come to live at Tjughsaghrondie, a place where the French have built a Fort last year without leave of the Five Nations, who claim that country. I am also inform'd the French are very loath you should come and trade here, fearing that you will receive so much satisfaction that you will for ever hereafter decline going to Canada. I observe further that you have met with some difficulties in your journey hither at the carrying place for want of guides. As to the first, I could wish that since you are removed, you would come and live nearer us, at Jagare, or some other convenient place, that upon occasion we might be able to supply or succor you without any interruption from the French, and I conjure you to acquaint your Sachims that I send them these two belts of wampum, one to each Nation, by which I invite them to come and see me here next July, when your people come from hunting, when the Indian corn is a-blossoming, and I will then order the Sachims of the Five Nations and the River Indians to meet me

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here, and get you and them joyned in a firm League, that you may be united in heart and hand against all those who may envy your happiness by being linked in our General Covenant Chain. As to the second, I shall say little, since your own experience will decide that. The rumour of warr breaking out in Europe has raised the price of goods extreamly, insomuch that a Bever formerly could have purchased that which two will scarce do now; nevertheless I doubt not but you will find the goods are far cheaper here than in Canada. As to the third, I shall not only give directions to have the path at the Camping-place marked out, and the Creek cleared of old trees for the ease and accommodation of all strangers that may be inclined to come and see us, but will, upon the least intimation of your people's coming this way, send guides from hence to conduct them hither. I would have sent a present to your Sachims of some of the commodities of this place, but fear it would be too bulksome and heavy for you to carry, have therefore sent them by you some Indian jewells, which I hear are most in request with you, vizt. 110 wampum pipes, 9 shells, 117 round small shells, 32 jewels that they wear in their noses and ears, and some toys for their children, viz. 3 doz. tobacco tongs, 16 fanns, 36 looking-glasses, and you may assure them from me that they may freely come without any fear or jealously, that they shall be civilly treated, and have everything as cheap as any the Indians in Covenant with us; and as the Indians of the Five Nations have found the benefit by a constant, inviolable league with us, since the first settlement of this Province with Christians (which the French cannot pretend to with any of their Indians) so you shall, with the unanimous consent of all, be received in the same Covenant, and partake of all the benefits thereof. As to what you say about 8 of your Nations warring with the Nandowasses, when your Sachims come next year, I will be ready to give them my best advice, till when I shall suspend my judgment.

1009. ii. (e) Proposals made by H.E. to the Five Nations, Albany, July 15, 1702. *Present*: Col. P. Schuyler, Capt. James Weemes, Major Dirck Wessels, the Mayor, Recorder, and Aldermen, and sundry gentn. come from New York, with many of the principal inhabitants. *Refers* to deaths of King William and Lord Bellomont. I assure you in the name of that great Princesse, Anne, Queen of England, my mistresse, that you shall have all the protection, favour and countenance imaginable, as long as you continue in due obedience and subjection to the Crown of England. I have sent for you in the beginning of my Government to renew the Covenant Chain between us, wherein is concluded all H.M. subjects

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on the Main of America, and hope it will be more lasting and bright now on your parts than ever it was. I understand the French have lately made a fort at Tjughsgagrondie, at which the Brethren seem much concerned. I desire to know the truth of that matter, and what force they have there, and how many men they have in garrison with the Far Indians. I am desirous to know the state of your country, the strength of your people, how many have deserted their native country since the Peace and gone to Canada, what are the causes and what would be the proper means to retrieve them and prevent the rest from the like defection. I am also desirous to know in what state you are with your neighbours, the Twightwighs, Dionondadees, and other Nations contiguous to them ; whether the intended Treaty of Peace with those Far Nations has had its desired effect, and if not where the difficulty lyes. It is also requisite I should have an account of your late Treaty with the French of Canada, whether public or private, and whether any of your Sachims are gone thither lately, and upon what businesse, what late messages you have received from the Governor of Canada, what fortifications the French have made lately, and how scituate, or whether they have made any further encroachments upon the Brethren's land, that I may be able truly to represent things home to my great Mistress, Queen Anne.

We have a rumor that there will be a warr between England and France, and I am inform'd the French of Canada design to keep back their Indians from committing any acts of hostility, and some of the Canada Praying Indians that are now here a-trading seems to be very fond of a peaceable hunting, and are desirous that I may contribute towards their future peace. I need not tell you what the French are, I understand you have had the tryall of them often to your cost ; if they be real in this, it is because their interest leads them so to be. I doe not design to trust them, neither would I have the Brethren doe it, but be upon their guard. Nevertheless, if the warr breaks out, I would not have the Brethren be the first aggressors, nor commit any acts of hostility upon the French or their Indians without directions from me, but if the French begin first upon us or any of the Brethren in league with us, we must join unanimously and make war upon them with all vigor, and not make a lingering war as the former was. I know they will be threatening of you, and forcing priests upon you in your country, but I must tell you not to fear the one nor suffer the other, as you tender the preservation of the Covenant Chain. I hear that you Onnondages are going to build your Castle eight miles nearer Susquehanne River, towards the southerd. I

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wish I had been here sooner to advise you to build it nearer us, towards Oneyde, where there is better land and more convenient to be assisted upon occasion. There has been great divisions and animosities among you of late, not only occasioned by the French of Canada, but by some evil-affected men among us, who to serve their own private ends and gratify their own malice without regard to the honour and interest of H.M., or the welfare of this Province, have encouraged faction and parties first among the Christians and then among the Brethren. If you will discover who they are, I will take such a course with them that they will be cautious another time, and I hope you will also take care that those incendiaries among you be curb'd and severely punished, and for the future you are only to hearken to those whom I shall appoint to manage the Indian affairs, and none els.

I have received express commands from the Great Queen to build such forts for our and your security as I shall see convenient. I design to go about it with all expedition, first with the fort at Albany, and then Shinnectady and the out-garrisons, which I design to view speedily, to which Forts you and your wifes and children may retire in time of danger, where you shall be succor'd and protected from all assaults of the enemy. As to the two Ministers that were appointed for the instruction of the Brethren in the Christian faith, one at Albany and the other at Shinnectady, I understand that the Brethren have been told that the latter was alone appointed for that work, and not the Minister here. I desire to know who is the author of that story, since I find upon your own request two years agoe, the Minister here was directed to take pains with you and learn your language, the better to enable him to serve you in the work of the Gospel. I reckon this has been fomented by those restless spirits who of late have endeavoured to disturb the peace of the Government, but I shall take care to prevent such wickedness for the future, and you may be assured that those that are inclin'd to be Christians shall have all the encouragement imaginable. I recommend to you to send to those gentlemen I shall appoint to manage the Indian affares here an account of all news that comes to your country *etc.*, who will send me an account thereof with all convenient speed. *Exhorts them to keep the Covenant Chain firm, bright and inviolable. Gives presents from Her Majesty; 1 Belt and 500 gilders strung wampum, 100 gums, 5 pr. strouds, 2 pr. Duffels, 2 pr. Blanketts, 80 hatchets, 15 lac'd hatts, 150 knives, 15 brass kitles, 1,500 lb. lead, 1 cask of pipes, 600 lb. powder, 100 gall. rum, 1 cask of tobacco, 2,500 flints, 100 pr. stockings, 200 wheat loaves, 12 casks of beer, 5 live cattle.*

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Sinnonquiere, a Maquase Sachim, prayed that the rum might be lodged somewhere till their conference was over, since if their people should fall a-drinking, they would be unfit for business. Ordered accordingly.

1009. ii. (f) H.E.'s reply to the Canada Maquase Praying Indians, Albany, July 16, 1702. Children, Being informed that you are inclined to return to Canada speedily, I shall not detain you, but give you an answer to what you proposed to me, though in effect you have heard it answered yesterday, in the public propositions to the Five Nations. I shall be so far from envying your happiness in your peaceable hunting, that I will rather contribute towards it as you desire, provided you hearken not to the French to disturb any of the Brethren which are in league with us, for though you have deserted your native country and subjected yourself to the French, yet you see that you have the same privilege of Trade with us as the Brethren have, where you find better pennyworths then at Canada, and if your inclination to your Country or the Christian Religion will induce you to return to your People and kindred, the same houses which you left are still open to receive you, with all the treasure of a plentiful country, which can make you for ever happy. As to the question you ask, whether I think your Governor is real in his proposals to you of neutrality, you will be the best judges of that, if the war breaks out, only I must be plain with you and reall too, that if you suffer yourselves to be deluded by the French, or any others, to make war upon any that are in alliance with us, you must expect not only to loose the benefits of your peaceable hunting, which you so much value, but we will all join to destroy those that shall first take up the hatchet to kill any of the Brethren that are linked in our Covenant Chain. Gives one Belt of wampum, 3 fathom strouds, 3 bags powder, 3 lac'd hatts, 15 bars of lead, 6 fathom of tobacco.

1009. ii. (g) Answer of the Five Nations to H.E., Albany, July 18, 1702. *Names of the Sachims, set out, New York Documents*, iv. pp. 985, 986. The Sachims sung a sorrowful song which they had made upon the death of his late Majesty, and said they were glad the Princess Anne had succeeded. Onucheranorum, a Sachim of the Maquase, welcomed H.E. (1) We are very desirous that the Peace may continue and the Covenant Chain be kept inviolable, and that Quider (Col. Schuyler) may cheerfully continue to keep it fast. *Do give 10 bevers.* (2) We rejoice to hear that the succession of the Crown is continued in the right line and that the Queen is of the Protestant Religion. We give a present of 10 *bevers* to make Her Majesty fine withal. (3) We condole the death of King William and give 10 *Bevers.* (4) We

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speak now to our Brethren, the Sachims of Albany, the Commissioners for the Indian Affairs. We said a great deal last year and desired several things, which, if they had been comply'd withal, would have proved to our future advantage and welfare, as well as yours, but we find by the divisions that has been among you, you have minded nothing of what we so earnestly requested, and we have no answer from England to this day which we so much long'd for. You have thrown all our Propositions in the water at the mouth of this River. Nevertheless we renew our request to our Brother Corlaer, to the end that our Great Queen may have a right information of the state of our affairs. Do now again *give 10 bevers*, altho' we threw away several bevers last year upon this proposition. (5) We renew our Covenant Chain, which is so strong that the thunder and lightning cannot break it, but we have had but little assistance from our Brethren during the late war ; we have been fore'd to wage war alone and lost many of our people, but see none of our Brethren either to assist us or to revenge the blood of those we lost by the French. (6) Brother Corlaer, you tell us that we are not to take up the hatchet first. We approve of your proposition extremely, and if any of the French or their Indians begin with us or the Brethren, we will then come and consult with our Brother. (7) The reason why our Indians go to Canada is that the goods are cheaper there than here, and the elk and moose skins are a better commodity there than here ; moreover, your weights are too heavy which you weigh the bears and other skins withal, and we are oftentimes not fairly dealt with by the Traders, and lastly, the River of Cadarachqui is easier to go down, being with the stream, than to come hither, with the heavy elk and moose skins. Let the goods be cheaper, and there is no doubt but our Indians will return very speedily. (8) We are unanimously resolved not to suffer any Popish Priest to come into our country, and as soon as the goods are cheaper here, then we will consult about having Ministers in our Castles, for then we can afford to buy a good honest coat to go to Church withal, for it would be scandalous to come to Church with a bear-skin on our backs. (9) As to the French encroachments, they have had Cadarachqui long ago, which lies on our side, and is built upon our land, but we never see any care has been taken to remove them ; they have on the other end of us built last year another Fort upon our land without consent, at Tjughsaghrondie, with high palisadoes, and have a garrison of 100 brisk men in it, who have most of them brass gorgets about their necks. We leave it wholly to your Lordship to do therein as you shall think fit. (10) Your resolution to build forts

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here is very good. We have been promised formerly that we should have a stone fort built at Onnondage, but it never was performed, and so have put it quite out of our heads. (11) We are glad to see your Lordship here and that Quider stands at your side. We do make this House, where we have our Conference, clean, and are heartily glad that all dark clouds are dissipated, and that we see matters restored, and things run in the right channell again, and to see those who always have had the care and management of our affairs to have your Lordship's favour. We doubt not but the public affairs of the Five Nations will now have good success.

Awanay, a Sachim of the Mohogs, in behalf of the Maquase Praying Indians, said:—There has been feuds and animosities among us Christian Indians, and last summer we were recommended to amity and friendship, but it hath not had that good effect upon us as could have been wish'd for; we have lately been exhorted at Mr. Lydius's, the Minister's house, to unite as Christians, and not to live in envy and malice, which are the works of Satan, not becoming Christians, but to live in peace and concord, and then God would bless us, which last exhortation hath so wrought upon our spirits that we are now all united and friends. As an acknowledgment of our gratitude, *we give a Belt of Wampum.* He acquainted the Five Nations, that in regard they had also recommended them to unity, they had followed their advice, and that there was now a thorough reconciliation, and as a token, *gave them a Belt of Wampum.* H.E. said he would in a short time give them an answer.

1009. ii. (h) Albany, July 19, 1702. Ten Sachims waited on H.E. and explained their above propositions, repeating their suggestion of 1701, that Mr. Livingston be sent to England to represent the state of their affairs, etc. We cannot conveniently give your Lordship an exact account of the number of our people, but shall do it as soon as we can. One of the Sachims of the Sinnekes said, There was about 24 of the Twichtwichs and Dionondadees came to their Castle this spring and told them they were bound for Canada to trade, and that they would deliver up the 12 Sinnekes prisoners which they had taken in the war, and desired that they might send for them. Upon which the Sinnekes ordered Owenano, one of their Sachims, to go and fetch them from Tjughsagrondie; they said further that all the Five Nations and Corlaer ought to be acquainted with this their resolution, for the Governor of Canada has ordered that the Far Nations should make peace with the Sinnekes, and that there should be an exchange of prisoners on both sides, and they were now going to him to acquaint him that they had complied with his

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desire, and laid down a *Belt of Wampum* to the Sinnekes. They said further, We are now come to live at Tjughsaghrondie, at one end of your house, and having now concluded firm peace with you, which the Dowaganhaes have done in like manner, we must tell you not to trust too much to them, for they are a brutish people, and if any of your men happen to be killed by them, we would not have you take up the hatchet against them before you acquaint the Governor of Canada with it, and they will do the same if your people should by chance kill any of them, that so the matter may be composed and not come to an open rupture, for the Governor of Canada has given such directions that if either Nation should send out a troop to war upon the other, he will have your company, if they were 30, delivered up to him to be punished, and if that Nation or Castle should refuse to deliver up the said company, then he would make war upon that Nation or Castle. *Gave another Belt.* The two belts so given we did present to the Oneydes, Cayouges, Maquase and Onnondages.

An Onnondage, Otsakana, said there was a Sachim of their Castle called Great World out a-hunting this spring, a Frenchman comes to him and bids him go to Canada, which he did, and coming to Mont Royal, he went to M. Marricour and the Priest, who said they had not sent for him, neither knew they anything of the matter, upon which he returned again to his hunting, and now when the Sachims were upon their way hither, and got as far as the small Carrying-place, a messenger from the Governor of Canada overtook them and asked them to go to Onnondio, but they said they were sent for by Corlaer, and would not go to the Governor of Canada. H.E. told them they should abide by their conclusion yesterday, not to take any priests into their country.

1009. ii. (i) Albany, July 20, 1702. The 10 Sachims being sent for, H.E. told them he perceived the principal matter they insisted upon was relating to the conveyance of the tract of land they made last year, which they alledged was not sent to England, together with the account of their country, how the French invade the same and encroach upon them dayly, and that the person they had proposed to go to England was not sent. He would take care that the said Conveyance be sent home and an account how the French encroach, and would send a person to the Great Queen who will be able to inform H.M. of all their circumstances, and would send them word when that person went, and when he returned. He added, I am informed that some of the Brethren have a wrong notion of matters relating to the Far Indians coming hither, as if by their coming goods would rise and be dearer, which is just

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the contrary, for the more bevers that comes, the more goods will come, and then goods will grow cheaper. Therefore I conjure you not only to let the Far Indians come freely through your country, but you must assist them in their passage hither. H.E. repeated his injunctions to them not to be the first aggressors in case of a war, and not to receive priests into their country, which they promised to observe very carefully.

1009. ii. (j) *Answer of the River Indians*, July 20. Father, we thank God for your safe voyage. *Give two Bevers.* Our numbers are, 110 Indians at Skachkook, 87 below the town. In all 197 fighting men. *Give two Bevers.* Condole the death of King William, but we hear the sun shines again in England, and that we have got a great Mother, which rejoices our hearts extremely. *Give 3 bevers.* Our young men will look out narrowly and give their Brethren of Albany an account of all occurrences. *Give 3 bevers and a deer-skin.* You renewed the Covenant Chain two days ago, and we ratify it now and make it stronger. We will stay at Skachkook and send news of anything of moment. *Give 4 bevers.* We are thankful for your promise of protection. *Give 3 bevers.* 26 years ago Governor Sir Edmund Andros planted a tree of welfare at Skachkook, and invited us to come and live there, which we very luckily complied withal, and we have had the good fortune ever since that we have increased that tree, and the berries thereof are grown hard and strong; the tree is grown so thick of leaves and boughs, that the sun can scarce shine throw it, yea, the fire itself cannot consume it, *meaning*, they are now so strong that they do not much fear the enemy. We now desire that our Father Corlaer may strengthen that tree and cause the leaves to grow so thick that no sun at all may shine thro' it. *Give 4 bevers.* We design to use all endeavours to persuade our Brethren and Relations to Eastward to come and live among us, and for their encouragement we will go with the Covenant Chain and tell them they shall be included therein. *Give 2 bevers.* We will obey your commands not to take up the hatchet first, and if the French or their Indians first attack us, we will acquaint you before we take up the hatchet for revenge. There are sometimes Indians that in their drunken fits will be apt to sell the land at Skachkook, by which means our young Indians will be scattered; we therefore pray that no such thing may be tolerated, but that a record may be made that they may live peaceably at Skachkook, as hitherto. *Give 2 bevers.* We are glad that we have now got a Mother as well as a Father, and welcome Lady Cornbury with a present of an otter for a muff. We thank you for your care and circumspection that none of our people should be duckoyed to Canada, to live there; we will

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take particular care to prevent that, and if any should design to remove, we will acquaint our Father. But if any of the young men should be out a-hunting, and go thither, that must not be taken for desertion, for they will return. *Give 2 bevers.* You desire to know what is become of those messages that are gone from time to time to the Eastward to draw those Indians hither, and why they stay. The only reason is the French priests in their Castles ; they detain them from coming. *Give some elk-skins.*

1009. ii. (k) The Sachims of the Five Nations, having received an express from their country, acquaint Governor Lord Cornbury, July 21st, that the Governor of Canada hath sent for four of the Five Nations to come to him to Canada, a Sachim from each Castle, that is, Dekanissoore from Onnondage, Ochquariogichta from Cayouge, Nehassochqua from the Sinnekes, and the Chief Sachim of Oneyde. He says he knows the mind of the Governor of New York, and that the Sachims of the Five Nations are now all with him, and therefore expects they will bring him an account of what Treaty and negotiation they have with Corlaer. He has also sent for an Onnondage called The Great World to come along with the Sachims to be their servant. A Canada Indian called Teheewie and an Onnondage called Tahaiaadoris brought this message to Onnondage about 8 days ago, and an Onnondage called Sinnagariago brought the news hither two days ago. Since then we have been somewhat confused and in disorder by some of our people being disguised in drink, but as soon as that was over we acquainted your Lordship with it, for we remember that it was said that we are to have one eye and one ear, although you sometimes write to Canada, and we know nothing of the matter. *Laid down the 7 hands of wampum sent by the Governor of Canada to the Four Nations.*

1009. ii. (l) H.E. said he took it well that they communicated the message to him, and exhorted them to do the like in future. He said that he thought it no ways convenient for them to hearken to any proposition of the French at this juncture, because of the uncertainty of peace or war, but as soon as he comes to New York he will have instructions from England, of which he will send the Five Nations forthwith an account, with directions how to behave themselves. If there be a war, he will give them an account from time to time of what happens, and instructions. *He gave them 7 hands of wampum and wished them a good journey home.*

1009. ii. (m) Albany, July 22, 1702. Sadeganaktie, Otsagana of the Onnondages, and Wakajenquarachto of the Sinnekes, in behalf of the Five Nations, came and told Mr. Livingston to acquaint his Lordship, who was gone

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to Shinnectady, that altho' the Maquase were ready to go to Canada with their prisoners, yet it was now concluded by the Five Nations upon the proposition H.E. made yesterday, that none should go to Canada, till they heard further from H.E.

1009. ii. (n) At a Conference between the Maquase and Governor Lord Cornbury, Shinnechtady, July 23, 1702, Onucheranorum says, Brother Corlaer, Our Sachims were at Canada last summer, when the Governor proposed (being now peace) that all prisoners should be delivered on both sides, and that we should bring ours, and they would deliver up theirs, which the then four nations have done, but not we. Therefore we desire to go and receive ours, and pray that Brant and Awanai and some others may go for that expedition, and they oblige themselves to return in 30 days' time.

H.E. replied that if they had made this proposition to him when all the Five Nations were together, he might have done something in it, but since it was resolved by all the Brethren that nobody should go until we hear further, I cannot now consent to it.

1009. ii. (o) *Proposition made to Governor Lord Cornbury, Albany, July 28, 1702, by the River Indians.* Suckquans, Speaker. (1) Remembering what you told us 8 days ago, we come to acquaint you with what has lately happened. *Do give a faddom.* (2) We must acknowledge that our people are much given to intemperance and are apt to be disguised in drink in our Castle, and after abuse one another, but that is among ourselves; neither do we know that our people ever hurt or killed any Christian, except one Stuart, who was murdered by two North Indians 30 years ago, and the two murderers were both executed. *Gave a faddom.* (3) There is an accident now happened to one of our people called Minichque, who is desperately wounded by 4 negroes, who have confessed the fact, and are now in prison. We thank your Lordship for the great care you have had in dressing his wounds *etc.* We are now going to the Maquase Country to renew the Covenant, according to our custom, leaving some young men and squaes to attend him. We pray your Excellency, if he should happen to die in the meantime, to send an express to acquaint us. *Gave a faddom of wampum.* H.E. replied that he takes it very well their acquainting him with their going to the Maquase Country. He would cause the wounded man to be looked after, and would send an express as they desired.

1009. ii. (p) *Proposals made by Hendrik and Joseph, two Maquase Christian Indians, to Governor Lord Cornbury, Albany, Aug. 9, 1702.* We were told last year by the Lt. Governor to acquaint you first, that we are ready to go to the Onnagongues with the first conveniency. This is the

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third time we have made the Government acquainted with this our intentions, twice in one year 2 years ago. Moreover, the Onnagongues have been here thrice about the same time, to enter into the Covenant Chain, and desired to be received as Brethren. We told them that they should be received as children in the Covenant Chain, wh. they accepted of accordingly, and gave 7 hands of wampum.

H.E. asked them, who had sent them ? when they went ? and how many in company, and what there business was there ? They say they are sent by the Sachims, and know not the exact time when they go, neither is the number yet concluded upon, and their business is to confirm the Covenant between them. They would be 3 months by the way. They were asked whether they would go alone or take some of the Skachkook Indians with them ? They said that would be in the choice of the Skachkook Indians. H.E. told them, when they proceeded on their journey, to call here as they went by ; that he would send some message with them ; and when they returned, they should give some account of their negotiation. They said that was there duty, and they would comply with it.

1009. ii. (q) *Propositions made by the River Indians to Governor Lord Cornbury, Albany, Aug. 13, 1702.* In accordance with our duty we are come to inform you of news. *Do give 7 hands of wampum.* About 2 days ago we see a canoe coming from Hosak, and were surprized, because our people were all at home, and it proved to be two Indians come from Pennekook, who desired that all the Sachims of Skachkook should be convened, and then said, The Governor of Canada has sent us a message and desired the Pennekook Indians to break up and come and live at Canada, that there were houses, land and provisions for their entertainment, and *gave a belt of wampum.* The French Messengers repeated their proposition and *gave another belt*, and said further, We leave it in your choyce either to come to Canada, or to the Onnagongues, but to remain here at Pennekoke, you must not by any means, and *gave five belts of wampum* ; and said the Governor of Canada designed to send the Maquase Praying Indians to the River of Harford, and to take Hudson's River himself. The Pennekoke Indians answered that they rejected the Five Belts and would not comply with the Governor of Canada's Proposals ; they were in amity with the Government of New York, and the Indians of Skachkook, and the Five Nations, and they would stick fast to that Covenant Chain, with which answer the Messengers returned to Canada.

*H.E. replied, Aug. 15, I am glad to see you so ready to acquaint me with what happens among you, and*

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that the Pennekokes are so sensible of the French intrigues. If they consult their future safety and welfare, they will persist in their resolution to reject all such profers made to them by the Governor of Canada, and adhere to the Covenant Chain, in which you and the 5 Nations are linked. I have had a great longing to hear from the Pennekoke Indians, and whether they will at last resolve to come and live with you at Skachkoke, where there is land enough, and for their encouragement you may tell them they shall not only have land assigned them *gratis*, but a fort shall be built of stockadoes to secure you and them from any suddain attempts of the enemy, and in regard your land is tough and hard to break, I will order next spring a plow to break up the ground for them to plant in, and they shall be protected and secured as well as any other Indians under the Queen of England's protection. *To the two Pennekook Messengers* : You are to acquaint your Sachims with what I now say.. For your further encouragement, if your people be inclined to be instructed in the Christian Religion, the Minister here shall teach them. *Gives a Belt of Wampum* to carry to the Sachims, and each of you a gunn and a bag of powder and some lead and flints.

*The River Indians replied* : They were glad my Lord spoke so kindly of the Pennekoke Indians, and sent them a Belt of Wampum. They will add a belt to it, and send it with the Messengers. H.E. said he had heard a Squae was dead of the Small-pox ; if they had brought her hither to town, care would have been taken of her. The Sachims said there had been a Court kept now four days about the negroes that killed Minichque, and prayed for information. H.E. said they would be executed on Wednesday next. The Sachim Sackquans says that when Minichque was wounded, they see such great care taken of him by their father, that they went to the Mohogs' country to pursue their publick business. Meantime he died and said before his death that he had been a faithful servant to the English, and enjoined all his friends to follow his example ; nothing troubled him more then to be so treated by negroes, that have no courage nor heart ; if he had died with his arms in his hands, it would have been more satisfaction. But he desired no revenge, and therefore they interceded with H.E. that the negroes be reprieved. Aug. 19. H.E. informed them that he had reprieved three of the negroes in accordance with their request, but had caused the ringleader to be executed. He would cause further satisfaction to be given to the relations of Minichque according to their custom. The Sachims thanked H.E. for his justice and paternal care.

1009. ii. (r) *Proposals made by Dekannissoore, Chief Sachim of Onnondage, and two others of the same Nation, to Governor*

1702.

*Lord Cornbury*, Albany, Aug. 17, 1702. The Governor of Canada has sent a message to our four upper Nations, that three of each Nation should go to Canada to treat with him, but the Mohogs he has nothing to say to ; as for my own part, I will not go, but will send one of my family. Our Sachims arrived two days before I came from home. There are great divisions in Onnondage ; one half of the Indians are inclined to have a French Jesuit among them, the other half are against it, and many of those that are for the priest seem to be inclin'd to hearken to Corlaer, and to take a Minister to instruct them in the Christian Faith. *Doe give a faddom of wampum.*

About 15 days ago there are 10 of the Onnondages gone to Canada, to speak with the Governor of Canada, and three of the Cayouges, whereof one is the principal Sachim ; the Oneydes and Maquase have sent none ; neither do I know that the Sinnekes have sent any, having not been in that consultation. When the Messenger came from Canada for some of the Sachims to go thither, one called Aradgi, a Sachim of Onnondage of the French faction, came with him, and told that a French Jesuit would come to Onnondage, and Tohonsiowanne, that is Great World, was gone to fetch him. But I, Dekannissore, told him I would tell Corlaer, and that I did not approve of it.

H.E.'s answer to Cannissore [sic], Albany, Aug. 19, 1702. I understand that while the Sachims were treating with me, other of your Sachims went to Canada to treat with the French Governor, and departed two days before the other Sachims came home. I can't be but surprised to hear that they are gone to Canada, before they heard what was concluded here, since it is determined in the publick propositions, that none should go till farther order. I understand also that some of your people are gone to fetch a Jesuit from Canada, notwithstanding it was concluded by all the Five Nations not so much as to suffer one to come into your country, much less to send for him. Now, Brethren, whatever I have promised, I will take care shall be religiously observed on my part, and since that is my resolution, I expect that what you have promised should in like manner be punctually observed. I am now sending over to England to be supplied with Ministers to instruct you in the Christian faith, and therefore can stand in no need of any from the French. *Gives a faddom of wampum.* Dekannissore said the French priest would be arrived in their country in 12 days' time. H.E. told them that upon their allegiance they should either send the Jesuit back to Canada or bring him hither ; this is no new proposition, but that which has been concluded of long ago. Dekannissore said H.E. should have an answer of

1702.

this proposition as soon as he came home. *Signed*, Johannis Bleecker, Mayor, Johannis Schuyler, Alderman, Dirck Wessels, P. Schuyler, Rt. Livingston, Secretary for the Indian Affairs. *The whole endorsed*, Recd. Nov. 30, Read Dec. 23, 1702. 54 pp. [C.O. 5, 1047. Nos. 73, 73.i., ii.; and (without enclosures) 5, 1119. pp. 263-267.]

Sept. 29.  
Orange  
County.

**1010.** Governor Lord Cornbury to the Council of Trade and Plantations. I transmit the Acts of Assembly made April and May last. They are seven in all; the first is intituled an Act for continuing the Revenue for two years longer. This is a specious title to give an opportunity to them to give away sums of money out of the Revenue; therefore I hope that Act will not be confirmed. The next is called an Act for paying the debts of this Government made in the time of the late happy Revolution; that which they call the time of the late happy Revolution was the time when Leisler usurped the Government here, and robbed several of the merchants of divers goods under pretence that they were for the King's use, and now the Province must be charged to pay those rapines of a rebel. The third is an Act that, if confirmed, will destroy the City of New York, for it overthrows the Charter; the fourth is the only Act I have nothing to object against; the fifth is a most unjust Act, for either the people of this Province are intituled to the Laws of England, or they are not; if they are, they ought not to be outlawed but according to the Laws of England; if they are not, it ought to be so declared, that the people may know what they are to trust to, and that an English Governor may know how to behave himself; but by this Act here are men outlawed in ten days without any manner of proceedings before had against them; the sixth Act is contrived for the burthening the people of some places in this Province, who have already as many Members of Assembly as they care to maintain; and the last Act is designed to ruin the town of Kingstowne in the County of Ulster. These Acts were contrived and intended for the ruin of this Province; therefore I hope they will not be confirmed, except it be that for continuing the Commissioners of Accounts. *Signed*, Cornbury. *P.S.*—The Acts of the former Sessions, being in the Secretary's Office at York, I have ordered the bearer hereof to seal them up, and deliver them to your Lordships. *Endorsed*, Recd. Nov. 30, Read Dec. 23, 1702. *Holograph*. 2 pp. *Annexed*,

1010. i. Memorandum of Acts referred to in preceding.  $\frac{1}{4}$  p.  
[C.O. 5, 1047. Nos. 74, 74.i.; and 5, 1119. pp. 268-270.]

Sept. 29.  
Whitehall.

**1011.** Journal of Council of Trade and Plantations. Letter from H.M. to Lt.-Gov. Bennett, Sept. 4, was read.

Letter from H.M. to Governor Codrington, Sept. 25, read.

Petition of Sir John Fleet and others, read, and ordered to be reconsidered when Mr. Blathwayt shall be at the Board.

1702.

Letter from Mr. Robethson, Clerk of the Council of Virginia, July 22, with duplicates of public papers received from Col. Nicholson, read.

Letter from Governor Nicholson, July 29, read. Ordered that what relates to his proclaiming the Queen be sent to Mr. War to be inserted in the Gazette. Papers transmitted laid before the Board. [C.O. 391, 15. pp. 214-219; and 391, 96. No. 155.]

Sept. 29.

**1012.** Minutes of Council in Assembly of Barbados. Ordered that Wm. Hart also go to Martineque in the *Flag of Truce*.

William Sharpe, Commissioner of H.M. Customs, having been informed that the late *Flag of Truce* to Martineque had brought up from thence considerable quantities of claret, and that the same was privately sent on shore before they came to an anchor, moved that those that came in her might be examined, and the offenders punished according to Law. Order that Judge Buckworth examine on oath those suggested to be concerned.

Capt. John Foljamb, Commander of H.M.S. *Kinsale*, signifying that he had but a small number of men allowed for the said ship, her middle complement being but 115, and her highest 135, and desiring to know which complement he should keep on the books, and what number of supernumeraries they would allow, because they are to be mustered upon a list by themselves, this Board being informed by Mr. Roberts that the French were fitting out two vessels well manned on purpose to attack H.M. said ship, do believe it necessary that the highest complement, vizt. 125 [sic], be kept upon the books, and 65 Supernumeraries, and order accordingly.

Petition of Elizabeth Bond, widow, praying an appeal, read, and ordered to be heard in the Court of Chancery to-morrow.

Petition of Wm. Gordon, Minister of the parish of St. Lucy, read, setting forth that the said parish Church is much out of repair, and not fit for celebration of Divine Service; that for reparation thereof the Vestry did, March 25, make a levy of 700*l.*, and required Simon Lambert, Churchwarden, to collect it and repair the Church, which he had used no diligence to do, ordered that what money Lambert has in his hands be applied towards pulling down the old Church and building a new one, and that he take all due care to collect and get in the aforesaid levy.

Petition of William Shuller, Attorney to Capt. Anthony Ford, Commander of the *John's Bonadventure*, who in 1697 took a French ship, the *Concord* or *Conquest*, in company of another Dutch vessel, the *Dolphin* of Middleburgh, which was condemned in the Admiralty Court of this Island as lawful prize, read, that Charles Thomas, H.M. Casual Receiver, doth keep in his hands 80*l.* due to Ford, being the moiety for the guns taken in the French ship, pretending he cannot justify payment, notwithstanding petitioner had obtained an Order from the Court of Admiralty in England to that purpose, which was also read. Ordered that the sum be paid.

Petition of Alexander and Mary Davis referred.

Sept. 30.

Stores ordered for the use of the Leeward fortifications. Ordered that no order pass on the Treasurer for payment of the salaries

1702.

of the Matrosses until they have taken an oath before their respective Colonels, that the sums laid down in their petitions are due to them, and that no other persons have or are to have any part or share thereof.

Petition of Thomas Horne and Alice his wife, formerly Alice Cousins, widow (June 3) argued. It was the opinion of the Board that the letters of Guardianship were legally granted by his late Excellency as Ordinary, and therefore ordered that they stand good.

Petition of Capt. Robert Arthur and the crew of the *Madera*, for some allowance for their expenses and loss of time, recommended to the Assembly.

Lt.-Col. John Holder appointed Col. of a Regiment of Foot in place of Col. James Colleton, resigned.

The Assembly attending, presented a Bill to prevent privateers carrying off servants; a Bill laying excise upon liquors; a Bill entitled a supplemental Act to an Act for purchasing a vessel of war. They moved that one of the Spanish Fryers might be sent to Bermudas, the merchant being dead as was proposed lately. Also that Major Trimingham be paid 1,000*l.* for his brigantine; that the Board concur in their appointment of Lt.-Col. George Peers as Keeper of the Stores in the Magazine. The President answered that he well approved of their choice, and proposed to them to prepare a Bill to furnish the man of war with powder out of the Magazine, the powder he had appearing upon a survey not to be fit for use. The Spanish prisoners were very sickly and breeding infection in the town; he therefore proposed that some vessel might be provided to send them for an exchange. Supplemental Act to an Act for purchasing a vessel of war read a first time, and sent down with amendments, but the House had adjourned. [C.O. 31, 6. pp. 279-284.]

Sept. 29. **1013.** Journal of Assembly of Barbados. Richard Downes was elected Speaker.

Excise Bill read and Col. Downes elected Treasurer.

The brigantine *Madera* was discharged from further service. And whereas Capt. Arthur hath made a complaint that several of the men on board were mutinous, and endeavoured an insurrection and to run away with the said brigantine, the Commissioners are requested to make strict enquiry and report to the President and Council.

Resolved, that the Commissioners for fitting out vessels of war doe move the President and Council that for the future instructions may be given to all Commanders as shall goe out in the publique service, that they may not permit any of their men to come on shore at their return from the said service until order is given for the same by the President, that a due account thereof may be taken, and that such servants as doe get any wages on board, may be returned to the owners, or secured.

Resolved, that Capt. Arthur be not recommended to the President and Council to go in the country's service.

*And see preceding abstract under date,*

1702.

Sept. 30. Supplemental Act to an Act for purchasing a vessel of war read and passed.

Resolved, that the Commissioners enquire into the usage of the men on board the *Madera* in her late cruze, for that it hath been represented to this House that the men have not been well used, and especially as to the provisions, altho' the allowance by the country was sufficient, and report to the Council.

Bill to appoint watches in the Towns, read and passed.

Committee appointed to consider a petition to H.M. that the *Kingsale* may be continued here to guard these coasts, being a good sayler and a vessel convenient for that purpose.

Resolved, that the House at their next sitting will proceed to the choice of Agents in England.

*And see preceding abstract. [C.O. 31, 6. pp. 490-494.]*

Sept. 30. **1014.** Minutes of Council of Bermuda. On a motion made by H.E. about trying of the persons now in H.M. prison on a charge of piracy by a Court of Admiralty, and this Board having taken into consideration the great tenderness and respect which ought to be had to the lives of men, and they conceiving it not safe or advisable to proceed in holding Courts at this juncture until further directions from her sacred Majesty, the time of six months limited by Act of Parliament and H.M. Proclamation not being elapsed, it is thereupon the unanimous opinion of this Board that the said Court cannot at present be holden, but that the said prisoners be safely kept in custody in H.M. said prison in St. George's until further directions from H.M., peace being thereby in the meantime preserved and sufficiently secured.

This day H.E. the Governor issued out his precept to George Larkin commanding him to confine himself to his lodging, which he contemplated, and thereupon was committed. [C.O. 40, 2. p. 51.]

Oct. 1.  
Orange  
County.

**1015.** Governor Lord Cornbury to the Council of Trade and Plantations. I had forgot in my other letters by this conveyance to acquaint your Lordships that while I was at Albany during the time of the conference four negroes belonging to some of the people of the town assaulted and killed one of the Sachims of the River Indians, which was like to have made a great deal of disturbance, but I immediately caused the negroes to be seized etc. *Continues as related No. 1009.ii. fin. Signed, Cornbury. Endorsed, Recd. Nov. 30, Read Dec. 23, 1702. Holograph. 1 p. Enclosed,*

1015. i. Abstract of preceding (*wrongly dated Oct. 30*). 1 p.  
[C.O. 5, 1047. Nos. 75, 75.i.; and (*without abstract*) 5, 1119. pp. 270, 271.]

Oct. 1.  
Kingston.

**1016.** Governor Lord Cornbury to the Earl of Nottingham. *Repeats information given in letters of Sept. 27 etc.* I send you a list of such persons whom I think proper to be members of Council; they are men of substance here, and, by the best information I can get, they are honest men. *Signed, Cornbury. Endorsed, Nov. 1, 1702. Holograph. 1 p. Enclosed,*

1702.

1016. i. List of persons fit to be of H.M. Council for the Province of New York :—Dr. John Bridges, Dr. of Civil Law; Col. Caleb Heathcote; Wm. Nicholls, Thomas Wenham, Mathew Ling, Killeian Van Renslaer, Phillip French, Stephen De Lancy.  $\frac{1}{4}$  p. [C.O. 5, 1084. Nos. 6, 6.i.]

[Oct. 1.]  
New York.

1017. Duplicate of preceding letter. [C.O. 5, 1084. No. 7.]

Oct. 1.  
Council  
Chamber,  
Boston.

1018. Minutes of Council of the Massachusetts Bay. Salary of John Giles as Interpreter *etc.* at Cascobay, June 4, 1701—June 11, 1702, paid.

H.E. proposed a General Fast to be kept Oct. 22, to implore the Divine Mercy upon H.M., that her life may be long continued and her arms prospered; that her Provinces in America may be preserved and defended, and that the present calamitous and deadly sicknesses at New York and other English Plantations, the infection whereof is spread in these parts, may be removed from our neighbours and ourselves. Proclamation ordered accordingly. H.E. said that application had been made to him from several parts of the Province, that the Session of the General Assembly appointed by Prorogation to be the 15th of this month, might be held at Cambridge, by reason of the infectious sickness in Boston, and that he should direct accordingly. [C.O. 5, 789. pp. 458, 459.]

[Oct. 2.]

1019. Petition of Wm. Penn to the Queen. The Queen's own service and security of her subjects in the Government of Pensilvania make it absolutely necessary that the present Deputy Governor, Col. Hamilton, receive at least a temporary approbation, otherwise, as it is impossible for her Petitioner here personally to obey her commands there, so may it be unsafe for his Deputy to execute them without it. Wherefore the Petitioner, zealous of the Queen's service, most humbly prays that the said Hamilton may have her Royal approbation for one year onely, and that the imputation he lies under, which hath made it so difficult hitherto, may be refer'd to the examination and report of the Lord Cornbury, whether he may deserve to be continued in the trust, or not. *Signed*, Wm. Penn. *On margin*:

1019. i. At the Court at the Bath, Oct. 2, 1702. H.M. being graciously inclined to gratify the Petitioner in his request, is pleased to refer the consideration thereof to the Rt. Hon. the Commissioners of Trade and Plantations. *Signed*, C. Hedges. *Endorsed*, Recd. 24, Read Oct. 26, 1702. *The whole 1 p.* [C.O. 5, 1261. Nos. 159, 159. i.; and 5, 1290. pp. 233, 234.]

Oct. 5.  
Portsmouth.

1020. Minutes of Council of New Hampshire. Thomas Holland's petition for divorce read. His wife Elizabeth pleaded guilty to adultery, but that her husband had since forgiven her and cohabited with her. Witnesses, Margaret Owen and Hannah Jeffreys, examined. [C.O. 5, 789. pp. 109, 110.]

1702.

Oct. 5.  
New York.

**1021.** Capt. Nanfan to the Council of Trade and Plantations. I had great hopes before this to have paid my duty to your Lordships at your Board, but have been and am very unjustly detained and very ungentlemanlike used by my Lord Cornbury, on a meer pretence that I am in H.M. debt, forcing me to pay subsistence to the 9th May, 1702, when he knows himself and Agents have received the subsist and pay for the soldiers since Dec. 25, 1701, tho' he never told me he had till Sept. 17 last, but has arrested me to prevent my going in the *Advice* in an action at the Queen's suit for 5,000*l.* st., when the last post from Boston brings me an account of several Bills coming protested, drawne for subsistance since his receipt, which will inevitably fall upon me and my estate without any hopes of redress to myself and family after so general a circulation as subsistance to three or four hundred soldiers. I see nothing before me but ruin unless your Lordships honour me with your patronage. I have this opportunity informed Mr. Champante of my hard circumstances and desired the favour of him to solicite my affair. I doubt not evidently to make appear, when I am permitted to appear myself, notwithstanding all the dirt my Lord Cornbury has and may endeavour to throw on me, in order to vindicate himself, intirely to return it on his Lordship. *Signed,* John Nanfan. *Endorsed,* Recd. Read Dec. 15, 1702.  $1\frac{1}{2}$  pp. [C.O. 5, 1047. No. 76; and 5, 1119. pp. 249, 250.]

Oct. 6.

**1022.** Minutes of Council in Assembly of Barbados. Capt. John Sutton acquainted the Board that he had a sloop bound to Jamaica. Ordered that a letter be sent by her to acquaint the Governor of Jamaica that we have several Spanish prisoners here, and that if they'll bee of any service by way of exchange, they shall be sent thither for the future.

Stores ordered for fitting out the briganten *Lark*.

The Assembly attending acquainted H.E. that there were not Members enough in town to make a House. Ordered that they be summoned to meet on Friday next.

Joan Hunt, widow, and Thomas Merrick, executor of Major John Broom, granted compensation for three negroes executed for burning Ruth Armstrong and her three children.

25*l.* sterl. paid to Capt. John Kirton, guardian of Thomas and Peter Ward, and Isaac Ragg, for a negro executed for stealing a swine.

25*l.* sterl. granted to Mary Davis, widow, for a negro executed for killing another. [C.O. 31, 6. pp. 284-286.]

Oct. 6.

**1023.** Journal of Assembly of Barbados. There being but 9 members present, adjourned. [C.O. 31, 6. p. 494.]

Oct. 7.

**1024.** Agents of Barbados to the Council of Trade and Plantations. Upon the Order of Council, Aug. 24, we have discoursed with several of the Petitioners, and they have desired us to answer that in regard they could not obtaine that the money arising by the duty of  $4\frac{1}{2}$  per cent. should be applied

1702.

for repairing the fortifications and erecting other necessary buildings in the Island according to their desires expressed in letters to your Lordships by us of April 4 and 27, they are now very desirous that the 3,500*l.* mentioned in H.M. Order in Council, Aug. 6, may be immediately applied for sending over a person fitly qualified to design, set out, and see performed such works and fortifications as shall be thought fit to be made and repaired, and also one Master-Gunner and 17 other Gunners, and that the residue of the 3,500*l.* be laid out in such Ordnance and Ordnance Stores as your Lordships shall think most convenient for defence of the Island. The Petitioners also pray your Lordships will represent to H.M. that they had no intention by their petition to obstruct the sending of Ordnance Stores to the Island according to the Order in Council of Aug. 6, but did humbly hope by such their application they might have obtained some small ships of war for security of their Trade, and some regular troops for defence of an Island of so great value and importance to England, especially when they observed that the same was granted to other Colonies of far less moment and benefit to this Kingdom. And also that your Lordships would be pleased to represent that not only the present weakness of their Militia (occasioned by the multitude of poor people and small Free-holders going off to the Northern Plantations in the last two years time of scarcity, by dry weather, for want of provisions), but also that their Militia consisting of servants, and there being above 2,000 that the country purchased at an excessive charge in the late war who will be free in January, and then as is customary will be going off to Pensilvania, Caralena and the other Northern Colonies, where provisions are more plenty and weather more temperate, did put the Petitioners upon sueing to H.M. for some small ships and regular troops, which they still hope to obtain. *Signed, Wm. Bridges, Fran. Eyles, Robt. Heysham, Recd. 8, Read Oct. 9, 1702. 2 pp. [C.O. 28, 6. No. 82; and 29, 8. pp. 224-226.]*

Oct. 8.

**1025.** Minutes of Council of New Hampshire. Upon Thomas Holland's complaint against his wife for adultery and embezzlement, ordered that he provide for their three children, and allow her 6*s.* a week for maintenance. Public notice to be given thereof. [C.O. 5, 789. pp. 110, 111.]

Oct. 9.  
Whitehall.

**1026.** Journal of Council of Trade and Plantations. Order of Council, Sept. 27, about ships of war for Barbados, read. The answer of the Barbados Agents was read, and directions given for preparing a letter to the Board of Ordnance. [C.O. 391, 15. p. 225; and 391, 96. No. 160.]

Oct. 9.

**1027.** Minutes of Council in Assembly of Barbados. The Bill to prevent persons carrying white servants off this Island, and Supplemental Act to an Act for purchasing a vessel of war, were read twice and amended.

Petition of Charles Thomas for 1,300*l.* for the *Madera*, lost in the country's service, recommended to the Assembly.

1702.

Whereas the President at the last Assembly's meeting acquainted them that it was highly necessary to send away the Spanish prisoners, by occasion of a malignant distemper which rages amongst them, of which eleven died, and to prevent any infection which is very likely to fall upon the inhabitants of the town, but the House adjourned without returning an answer, whereupon they were summoned to meet on Tuesday, but did not then make a House, and again to-day for that purpose, but failed to meet, accordingly this Board doe order that a vessel be taken up to send away the Spanish prisoners, and that the Assembly be summoned again to meet on Tuesday next, and that very pressing letters be wrote to that purpose. [C.O. 31, 6. pp. 286, 287.]

Oct. 9.

**1028.** Journal of Assembly of Barbados. There not being Members enough to make a House, and several of the absent Members sick, adjourned. [C.O. 31, 6. pp. 494, 495.]

Oct. 9.  
Annapolis.

**1029.** Minutes of Council of Maryland. Letter from the Earl of Nottingham, May 7, 1702, with H.M. Declaration of War, read. Also letter from the Council of Trade, May 13.

Letter from the Council of New York read, desiring the care of this Government to apprehend William Attwood and Thomas Weaver. The President acquainted the Board that tho' dated July 27, this letter came to hand but the other day, for that it had lain a long time in the hands of the Sheriff of Baltimore County, who was called in and severely remanded, but acknowledging his fault, was cautioned to take care of the like neglect for the future, or he will be dismisi.

Letter from William Blaythwait, May 9, desiring that the publick accounts may be regularly transmitted to be laid before the Lord High Treasurer, read. Whereupon it is observed that H.E. Governor Blakiston lately gave very strict orders to H.M. Receivers to transmit them.

Petition of Wm. Bates, master of the *Shelburne* of London, read. He gave Edward Randolph and some of his friends a passage to Virginia or Maryland, who during his passage occasioned great disturbance on board, and being dissatisfied with petitioner and others belonging to the ship, seized [*her*] in Lynhaven Bay and went on shore at Kiquotan about 10 days ago, yet hath not made any steps towards bringing her to trial, so that petitioner's voyage and trade is much impeded and dampnified. *Prays that notwithstanding the seizure, for which there is no colour or pretence, he may be permitted to give good security to answer any information exhibited by Randolph, and to go on with his voyage and trade.* Whereupon Mr. Attorney General was sent for, and George Plater, Naval Officer at Puttuxent, who said he had received a letter from Randolph alleging the ship had broken bulk. It being considered that it would be a loss to H.M. Revenue to stop the vessel in trading and loading tobacco, resolved that the Master have leave to trade on giving security in 3,000*l.*, as aforesaid, which was done.

1702.

Elias Nuttwell's petition read. He was referred to the Common Law.

Letter read from Edmund Jennings, York River, Virginia, Sept. 23, 1 a.m. :—Yesterday was seen in Lynhaven Bay a very large ship wearing a flag or very broad pendant supposed to be an enemy. H.E. thinks it very much for H.M. service and desires with all expedition you will order Capt. Bostock down into this Government. Ordered that Capt. Bostock bring down from Turkey Point H.M. advice-boat *Eagle* to receive the further commands of this Province.

Ordered that the several vestries send their accounts to the Clerk of the Council. [C.O. 5, 745. pp. 4-6.]

Oct. 9.

**1030.** Minutes of Council of the Massachusetts Bay. H.E. acquainted the Board that he had lately received H.M. direction to supply some companies of souldiers to send to Admiral Bembow at Jamaica, for some proper service for the Crown, which he intended to take up as Volunteers, and should appoint officers for that purpose; and that he expected their encouragement of the people to that service.

Advised, that a supply for trade with the Eastern Indians, not exceeding 200*l.*, be sent in the *Province* galley, as far as Sagahock, by Capt. Cyprian Southack, he to trade with the Indians for the same; and that a supply for trade with the Pennicook Indians, not exceeding 60*l.*, be sent to Col. Tyng at Dunstable, to be traded by him.

Account of expenses, H.E.'s journey to Bristol, Rhode Island and the Narraganset Country, amounting to 94*l.* 9*s.* 7*d.*, paid. [C.O. 5, 789. pp. 459, 460.]

Oct. 10.  
Boston.

**1031.** Isaac Addington to the Council of Trade and Plantations. *Enclosing* the following public papers. *Signed*, Isc. Addington. *Endorsed*, Recd. 9th, Read Jan. 13, 170*2* $\frac{1}{2}$ . 1 *p.* *Enclosed*,

1031. i. Memorandum of Acts of Assembly of the Massachusetts Bay. May 27, 1702.  $\frac{1}{4}$  *p.*

1031. ii. Memorandum of Act of Assembly of the Massachusetts Bay, May 27, 1702, for a present to Col. Dudley.  $\frac{1}{4}$  *p.*

1031. iii. Memorandum of Minutes of Council of the Massachusetts Bay. May 28—July 8, 1702.  $\frac{1}{4}$  *p.*

1031. iv. Memorandum of Minutes of Council of the Massachusetts Bay, Aug. 3-27, 1702.  $\frac{1}{4}$  *p.*

1031. v. Memorandum of Minutes of Council in Assembly of the Massachusetts Bay, May 28—Sept. 14, 1702.  $\frac{1}{4}$  *p.* [C.O. 5, 862. Nos. 133, 133.i.-v.; and 5, 910. pp. 351, 352.]

Oct. 12.

**1032.** Minutes of Council of Maryland. Petition of John Hill and John Stokeley of Sussex County, in Pennsylvania, read. The Board desired the Provincial Court not to proceed to judgment in that case until the dividing line is run between this Province and that, so that it may be ascertained in which Province the land lyeth.

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Sir Thomas Laurence, Secretary, complained that Charles Carroll had given him an account of 82 patents prepared this year, but had not sent them into his office to be recorded, and was gone for England. He had wrote to Col. Darnall about them, who had answered that he knew nothing of them, but when they were prepared and sealed, and would send them in as usual. James Carroll, Attorney for Charles Carroll, said the patents were in the latter's house, but were not prepared to be sent to the Secretary's Office, being neither signed nor seal'd, but so soon as ready, will be sent. Ordered that Col. Darnall do this with all convenient speed.

The President acquainted the Board that, upon the death of William Wyvil Riding, Surveyor at the head of the Bay, he had sent a Commission to William Dyer, but being since that acquainted that Edward Randolph, Surveyor General, was arrived in Virginia, and not knowing how far his Commission might extend, had called it in, and praying the advice of the Board, Resolved, in regard it is not known when Mr. Randolph may arrive, the said Commission be put in execution, lest H.M. service be prejudiced. [C.O. 5, 745. pp. 6, 7.]

Oct. 13. **1033.** Council of Trade and Plantations to the Principal Officers of H.M. Ordnance. Enclosing estimate of stores to be sent to Barbados. "We do desire you in pursuance of H.M. pleasure to take care that there be sent thither an Engineer fitly qualified to design and see performed such works as shall be thought fit to be made and repaired there" etc. *Signed*, R. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mt. Prior. [C.O. 29, 8. pp. 227, 228.]

Oct. 13. **1034.** Governor Codrington to [? *the Earl of Nottingham*]. I have received your Lordship's letter, and am very well provided to answer it, but dare not at present, a just acct. of things might prove fatal to these Islands, for we are surrounded with French Privateers, and whatever charge is given to the Masters, they never throw over their letters when taken for fear of being ill used by the enemy. I shall send over a gentleman on purpose, who will, I hope, part from hence in three weeks, by whom I shall write fully. I am very sensible of H.M. goodness, but had much rather have a furlow than a new Commission. My honour is much dearer to me than an employ more valuable than mine is, and if an English gentleman is to be perjur'd, clamoured and voted out of his reputation without being allowed a hearing, a Frenchman or even a Turc has no reason to envy an Englishman. I beseech your Lordship to prevaile with H.R.H. to send some light frigates to these Islands. *Signed*, Chr. Codrington. *Endorsed*, R. Dec. 22, 1702. *Holograph*. 2 pp. [C.O. 239, 1. No. i.]

Oct. 13. **1035.** Journal of Council of Trade and Plantations. Mr. Cobb, the Solicitor, desired the perusal of the entries in the Books of New Hampshire upon occasion of a trial by Appeal relating

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to the Proprietorship of that Province before the Lords of the late Committee, 1683-1685, and that he may have attested copies of what may be useful to him at another trial which is shortly to be had upon the like occasion ; which was accordingly directed, he coming at convenient seasons, so that the Secretary may be by at this perusal.

Letter to the Board of Ordnance concerning the stores for Barbadoes, signed and sent.

Oct. 14.

Mr. Birch attending in order to putting in security for his observing the Acts of Trade as Governor of the Bahama Islands, their Lordships thought fit to write first to the Lords Proprietors to know whether they have anything to object against it.

Oct. 15.

Memorial from Everard Cater read (Oct. 15) ; ordered that petitioners, the Governor, the Agents and Merchants of Barbadoes have notice to attend on Wednesday next.

Mr. Stringer desiring their Lordships' report upon the Reference relating to Tobago, ordered that when Dr. Woodroffe comes to town the former reports upon that subject be shewn to them, and that after their perusal of those reports, it be considered what may be fit to say further upon the present occasion. [C.O. 391, 15. pp. 226-235 ; and 391, 96. Nos. 161-163.]

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**1036.** Minutes of Council in Assembly of Barbados. Depositions relating to the report that a great quantity of French wines were landed out of the sloop that carried the Flag of Truce to Martinico, read. This Board are of opinion that the said report was groundless.

Petition of Henry Keys and John Thomas, late belonging to a privateer, setting forth that they had been at great charge in maintaining the Spanish prisoners etc., recommended to the Assembly.

The Assembly attending, the President delivered to them the Act against carrying of servants and the Supplemental Act with amendments. He recommended to them the sending away the Spanish prisoners, and that the Honble. Saml. Cox offered to hire his sloop to send them to Trinidad or elsewhere ; that several of the French prisoners were sick and the allowance of 12d. per diem was not sufficient to maintain them with necessaries, and therefore desired them to grant a further allowance for such ; that a small [? vessel] might be sent as a spy to learn what the French are doing at Martineque, and that 50 barrels of powder might be delivered out of the Magazine for the use of H.M.S. *Kinsale*, it appearing that she has not two barrels of good powder left. The Assembly then withdrew.

Bill for laying an imposition on wines etc. imported, read a first time.

The Assembly desired a conference upon the amendments to the above-mentioned Acts, which was agreed to.

The Assembly attending, said that they had agreed to taking up a vessel to carry the Spanish prisoners to Trinidad ; that Zachary Shute offered that if the country would credit him with 20 barrels of powder out of the Magazine, he would apply the

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same to the use of H.M.S. *Kinsale* and return as much good powder to the country in six months, or pay for it after the rate of 10*l.* per barrel; that they are of opinion it will not be convenient to send a spy-boat to Martineque till the Flag of Truce goes down with the prisoners, and that in case they be debarred there, then to send a small vessel on purpose. They proposed the payment of the Storekeeper's Salary, which was done.

Conference on the Act to prevent carrying off white servants, but the Council not agreeing to any alteration of their amendments, the Assembly took back that Bill to consider further thereof, but agreed to several of the amendments made to the Supplemental Bill.

Oct. 14. Supplemental Bill read a third time with amendments and passed.

Ordered that a Flag of Truce be sent with the Spanish prisoners to Trinidad, and that Dudley Woodbridge go with her and observe such instructions as he shall receive from the President.

Ordered that the Militia regiments be exercised every four weeks for six months longer from their last exercising day.

Ordered that powder be issued as proposed by the Assembly yesterday.

The Attorney General delivered in his answer to Mr. Hodges' complaint against him. [C.O. 31, 6. pp. 288-291.]

Oct. 13. **1037.** Journal of Assembly of Barbados. Absent Members fined, unless excused by letters etc.

*See preceding abstract.*

Petition of Capt. Charles Thomas granted. [See preceding.]  
Supplemental Act passed.

An amendment on the amendment of the Council on the Bill to prevent the carrying off servants, carried. [C.O. 31, 6. pp. 494-497.]

Oct. 14. **1038.** Council of Trade and Plantations to the Lords Proprietors of the Bahamas. Having this day been attended by Mr. Byrch in order to the taking security for his observing the Acts of Trade in the Government of the Bahama Islands, we desire to know, by the first opportunity, if you have any objection. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 5, 1290. pp. 228, 229.]

Oct. 14. **1039.** Minutes of Council of Maryland. Letter from John Dowdall, Clerk of Cecil County, to the President, Sept. 11, read, saying that divers of the inhabitants on Elke River had informed Cecil County Court that there were come to Conestogoa some Indians that have brought valuable apparel belonging to men and women Christians, but have murthered none. His Honour acquaints the Board that, supposing some robberies might have been committed in this Province, he had discoursed Thomas Brooke of Prince George County, but could not hear of any. Whereupon he had wrote to Governor Nicholson. A Committee was appointed to go to the said Indians and enquire

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into the report, and if they find any such goods, that they secure them and enquire what Indians brought them, and, if under their Government, that they see them forthcoming. [C.O. 5, 745. pp. 7, 8.]

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**1040.** Governor Codrington to the Council of Trade and Plantations. I have not quitted this Island since the reduction of it, and have done all that lies in my power to put it into a good posture, and the people into a good temper, but, to deal sincerely with your Lordships, I cannot say I have done either effectually, for the unlucky division of the quarters, the most improper and impertinent that could be thought of, has ever caused, and I fear will continue as great a division among the people, which will prove fatal upon an attack. I have tortured my brains sufficiently to find proper expedients, but have not yet and I fear never shall be so happy till I have the gift of creation, and can never model both the Mountain and the People. I am extreamly wanted in the other Islands, and therefore shall leave this in a few days. I hope to perswade Major General Hamilton to accept of this Government, the only man I can trust with so important a post, and therefore desire your Lordships will use your interest to get him a Commission to be Lt.-Coll. of the Regiment here, if not, at least a Company, which has alwaies been the perquisite of the Lt.-Governor of this Island. I shall write very fully to your Lordships as soon as I arrive at Antigua, where I left your Lordships' letter, reed. the day before I came away for the expedition hither, and which I have not yet had a minute's time to consider and answer. I shall send a gentleman on purpose home wth. a pacquet to my Lord Nottingham. My Lords, I most impatiently expect my furlow. *Signed,* Chr. Codrington. *Endorsed, Recd. Dec. 22, 1702, Read Jan. 14, 1702 (1703). Holograph. 2 pp. [C.O. 152, 5. No. 10; and 153, 8. pp. 132, 133.]*

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**1041.** Duplicate of preceding. [C.O. 152, 5. No. 11.]

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Bermuda.

**1042.** George Larkin to the Council of Trade and Plantations. I think I may very properly join with Mr. Randolph in giving [*this place*] the title of New Algier, or the Unfortunate Islands. On Sept. 17, the Governor and his Council sent for me and we then appointed to settle the proceedings for trial of pirates on the 21st, which was done, and there being two persons to be tried upon the account of piracy, one of which had laid in prison three months, we agreed to hold a Court of Admiralty the 30th, and everything was prepared, and the prisoners had notice of their trials. Some days before, the Governor's Clerk, Mr. Davies, whom he had appointed Register, came to me, and brought a writing, which he called a publication, and asked me if he should put it up upon the Town Bridge. I told him that the Commissioners had settled the proceedings already, and that there was no such thing as that mentioned; he was not to run upon notions of his own; all the witnesses that had anything to say

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against the prisoners were in town, and I did not think there was any occasion for it. I went into the country to pass away the time for a day or two, and upon my return I found that Davies had fixt this writing upon the Bridge, without saying it was done by order of the Governor or the Commissioners, and likewise mistaken the day, asserting it to be the 29th, upon which I tore it down, and presently after Davies coming upon the Bridge, I told him of it, and gave him my reasons, and that it seemed to me to be a thing done upon his own head, purely in opposition to me, if he took notice of H.M. letter to the Governor, which particularly says that he and the Commissioners shall settle the proceedings with my advice. He told me that he would put up another. If he put up such another, said I, I should make bold to pull it down again. Next morning another was fixt up, the date being altered, and said to be by order of the Governor, which continued till the Court was put off. I have desired copies of each of them, but the Governor has ordered the Register not to give them me. Your Lordships will see by the enclosed attestations of the late Governor and Collector of the Customs, what passed betwixt Mr. Davies and me, and I hope you will believe that I have more respect to the Crown of England then to pretend to oppose any gentleman that's entrusted with the command over H.M. subjects in the Plantations. On Sept. 30 the Governor and Council sent for me to the Governor's house to hear a Minute of Council read, to the effect that by H.M. Proclamation of March 8, 1701(2) all persons being in office at the decease of the late King should so continue until H.M. further directions, and it was the opinion of him and his Council that they could not proceed in anything but what related to the preservation of the peace before they heard from H.M., and therefore they thought fit to put off the trial of the two persons accused for pyracy till then. This, I told them, seemed to me to be a very strange opinion and directly contrary to the Queen's Proclamation. I desired a copy of this Minute of Council, but the Governor ordered the Secretary not to give it me. I protested against their proceeding, and entered it in the Secretary's Office, but could not draw it up for want of the Minutes. The reason of putting of(f) the Court, as I since understand, was, there is three of the Council, Richard Penniston, Charles Walker and Samuel Spofferth, who actually foreswore themselves at the last General Court of Assize, and the Governor and Council had some notions that one of the Prisoners intended to make objections against their sitting, he having sent a letter, as I am informed, to the Governor, wherein he acquainted him that he had something material to offer to the Court, and prayed that when the Commission was read, and before any of the Commissioners were sworn, he might be admitted to be heard, and they were afraid, since Minutes of the whole were to be taken by the Register, that their perjury would be detected and laid open before your Lordships. The Governor and Council having some time before sent for one Mr. Starr, a Physician, who is one of the witnesses to prove these three persons

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foresworn, and committed him a prisoner to the common gaol for saying something of that nature, the poor gentleman sent for me and desired that I would wait upon the Governor and Council about it, which I did, and in our discourse I moved the Governor to suspend Mr. Penniston, Walker and Spofferth from his Council until the matter was fairly heard at the next Assizes, if it did appear that they were not perjured, that then they might be restored, and the persons that accused them severely punished. He refused it, or to let Dr. Starr and the witnesses be sworn against them, but ordered him to be bound over to the next Sessions to answer what he had said against them there. The day before the Sessions Dr. Starr wayted upon the Governor to know whether they would be held, who told him he knew nothing to the contrary, he had left it to his Justices of the Peace. But finding that Starr was resolved to prosecute the matter, and had got all his witnesses ready, the Governor sends an order to his Justices to adjourn the Sessions till further order. However, Dr. Starr was forced to give his attendance, and put himself to a great deal of charges, lest his recognizance should be estreated, but indeed most of their actions are a continued series of tricks, wickedness and villainy.

After the Minute of Council for putting off the Court of Admiralty was read to me, the Governor ask't me how I durst presume to tear down the paper which was fix't upon the Bridge. I gave the reasons hinted above. He told me that it was by his order, and that it was impertinent. I said there was not a word mentioned that it was by his order, or by order of the Commissioners, upon which he ordered me to confine myself to my chamber during my stay upon these Islands. I told him that I was no officer nor soldier, and that I would not willingly be guilty of self-murder. Next morning he sent the Secretary of the Islands with an order. At dinner-time I sent all over the town, but could get nothing to eat, for the people of this country live chiefly upon potatoes and dried fish, and hearing that there was a dinner provided at a public-house, I went thither, and after dinner in my return to my lodging, he sent the Under-Marshall or Hangman with a warrant, who carried me to the common prison. Some time after I obtained the favour of going to my chamber, where I have been confined a close prisoner these 14 days and not suffered to stir abroad without the Marshall following me, for here it is as it ever was, *sic volo, sic jubeo, stat pro ratione voluntas.*

If your Lordships please to take notice of the beginning of Mr. Bennett's order for my confining myself, he says that I have offered him several affronts and indignities. Indeed I had some intimation that he had let fall some such words a fortnight before my confinement, and I took an opportunity to ask him before his Council, and told him withal that if I had done any such thing, 'twas unknowing to me, and that if he would signify wherein, I would ask his pardon publicly. He could not tell me, and I am ignorant of it to this day, and cannot guess wherein, unless it were in refraining his company, and not coming to pay

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my court to him every day. A little before this, I was desired to be present at a hearing of some causes in their Courts of Appeal, where I took Minutes, which (if it please God I live to return to England) I'll lay before your Lordships, at which the Governor and Council seemed very much disturbed. In the afternoon I sent to them and desired when they were at leisure that I might speak with them, upon which I was called in, and when I came, I directed my discourse to the Governor, and told him that he knew upon what service I came hither, that it was near upon six months since the decease of his late Majesty, and I had been in the Leeward Islands in May last, when Queen Anne was proclaimed there ; that for their parts they might do what they pleased, but I should not do anything until the Queen was proclaimed, and desired that they would be pleased to take the same into their consideration, and then withdrew. I came into Court again and found Col. Day moving for a writ of error in a cause about a house which he had built in the town of St. George's upon a little plot of ground which in the time of his government he had granted to the Collector of Customs, upon which motion the Governor was pleased to say that a writ of error and an Appeal were the same, and thereupon I stood up as *Amicus Curiae* and say'd, Sir, in that I must ask your pardon ; Error is a writ where judgment is given in any Court of Record against the Law, or upon undue and wrong process, the party grieved against whom the judgment is given shall have this writ, and if Error found, the judgment shall be reversed ; an Appeal was sometime used in the Common Law, as it was in the Civil, for removing of a cause in any Ecclesiastical or other Inferior Court to a Superior, where the Plaintiff or Defendant refused the Judge, and desired to have his cause tried in the Higher Court before the Superior Judge ; then it was that a person was said to Appeal ; that in truth this suit seemed to me to be commenced more out of malice and ill-will to Col. Day than any affection they had to the Crown of England, the land upon which he had built his house being said to belong to the Crown, as indeed all the houses in and about this town are ; that it was but half an acre of land, which was a dunghill and anuance to the whole town, upon which he had built a very fine house, but there was 27 shares of land, every share being 25 acres in these Islands, which of right belonged to H.M., being formerly the land of the regicides, Owen Row, Cornelius Holland and Sir John Danvers, which had been recommended to several Governors to enquire into and to return an account, but most of the lands being now in the possession of the Council and top men of these islands, the same was past by and taken no notice of, neither could I learn that ever any account was returned. I told them further that there were several negroes, mullatos and mesles in the hands of private persons which of right belonged to the Queen, and ought to be seized for H.M. use, some of which were likewise in the hands of some of the Council, or had been disposed of by them. This discourse was not at all grateful to them, and thereupon the Governor and Council grew extreme warm, and ask'd me whether I came to

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quarrel with them. I answered I had been at Newfoundland, over the greatest part of America, and in most of the West Indies (excepting Jamaica), and I did not at all doubt that upon my letter the Governor and Council of every Plantation where I had been would give me a very ample certificate of my civility, and I never had any incivility offered me, until I came before them. For when I came to wait upon them, they made me stand whilst I discoursed them, as if I had been a foot-boy, and since H.M. had thought fit to constitute me a Commissioner, I was upon equal terms with them so long as I was upon that service, for *infra pares non erat potestas*. I also told them that one Hilton, the second day I came upon these Islands, declared publicly that if I did not join or go along with them in their vicious practices, or acted or did anything which the Governor and Council did not approve of, they would serve me as they had done others before me, which was imprison me. Upon this, they finding I took notice of their actions, they adjourned the further hearing of all causes until they heard from England, upon the same pretensions they have done the Admiralty Court, and from this time I found the Governor and Council courted all opportunities of using me ill. Some time before my confinement, the Governor sent the Minister, who is a very drunken, idle fellow, to all the houses I have been at since my coming, to enquire after my behaviour, and finding that he could discover nothing that would answer his ends, he has put several on to affront me, in hopes that I might have met with a poke in the guts, but none of them would stand it. Afterwards he told me Mr. Spofferth should say that I declared up and down that he was not Vice-Admiral. I told him that I knew better. I ask't Spofferth about it, who said he never heard anything of the matter. I desired him to satisfy the Governor of it. When I came next to the Governor, he told me it was Capt. Sands, the Gentleman who commands the soldiers here. This truly seemed to me to be a sort of a fetch to put Capt. Sands and I to sacrifice each other. I asked Capt. Sands, who averred he never said any such thing, neither did he ever hear me. The Governor, finding this would not take, sends for me, and tells me that he was informed I should say before Ensign Russell and Dr. Starr, that let me do what I would, I could not affront him. I assured him that I never did, and that those two gentlemen could not, if they were to be put upon their oaths, say that I ever spoke an unmannerly word of him. Upon which he flew into a passion, and told me he would do me justice, he would lay aside his Government and fight me. I told him that I hoped he did not believe I was mad to pretend to any such thing whilst he was Governor, but if he would let me know his author, I would justify myself. He said it was one Newnham, one that was a grocer in London, but set up here for a mighty Lawyer. I discoursed Mr. Russell and Dr. Starr whilst Newnham was present, and they both declared that they never heard me say anything like it, and Newnham comes afterwards to my chamber and ask't my pardon.

Contrary to the oath required of a Governor by the Act of 7 and 8 William III, the Governor, a short time after his arrival,

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had a hogshead of white wine out of the *Charles*, Benjamin Stow, Master, privately carried to his cellar, which was taken aboard the *Charles* out of a Swedish ship in the Downs, and never entered in the Custom House in England or here, and he hath declared that he could have lawfully seized and condemned a vessel, but would not. Upon which I asked him how he could answer that at home. As near as I can collect, this was the *Charles*.

H.M. was pleased, when Mr. Bennett came over, to detach a company under Capt. Sands to guard the Forts of these Islands, but instead of being placed there, Mr. Bennett continues mulattoes, who are paid yearly out of the Revenue, and the soldiers are made use of for no other service but to wait upon him and his wife to Church, and stand centinels at his dore; some of which have for a little money been permitted to marry and discharged, others sent abroad in wreck ships and knockt in the head.

The Governors of Bermuda by their Instructions are to settle Quit-Rents for the lands enjoy'd by the inhabitants, but the Governors being generally indigent and necessitous, mind their own advantage more than their Master's interest, and for the usual present of 350*l.* forget their duty, so that the people here could never yet be brought to any quit-rents for the lands they enjoy, and indeed the King's lands are so far from being improved, that to my own knowledge the present Governor has been offered 5*l.* for that land which he sett at 30*s.* per annum, and setts that at 13*l.* which is worth 36*l.*, but this is not without a consideration to the Governor, and as for the Queen's timber, he has cut down more of it then will build two of the largest vessels in this country.

Contrary to his Instructions to make all Laws without limitation of time, Mr. Bennett hath vacated an Act for an Imposition upon liquors for support of the Government, which was indefinite, and passed another which is temporary, which is now near expiring, and the date of the indefinite Act hath likewise been altered since it was enacted.

Contrary to his Instructions, not to dispose of any office granted under the great Seal, except upon a vacancy, until the matter be represented home, he turned out the Secretary and clap't two centinels upon his dore to prevent his going into his office, altho' there is no manner of complaint against him of any offence committed by him as Secretary. This was done with an intent to give it to his wife's brother, a wild, extravagant young man, who was convicted for the murder of Capt. Hughes, Commander of one of H.M. frigotts. He was Commander of the Castle and Capt. of the Militia, but committed such outrages that he was forced to be sent home to England. He is succeeded by one Peasley, who a little before the Governor's arrival assisted one Beedle, a Master of a vessel belonging to Salem in New England, who came from Bilboa and put into the Castle Harbour, to conceal a great quantity of allamodes, brandy, and other silks, which he brought from thence, and by Peasley's means the same were carried abroad again, and Beedle afterwards

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run the same at Salem. The Governor has disposed of the place of Secretary to one Minors, who receives the benefit of that employment and likewise the shares of land belonging to the Secretary, whom he has detained here for 16 months, and will not permit him to go off the Island to make his complaint at home.

The Governor, according to his Instructions, is to cause a table of marriages to be hung up in every orthodox Church and duly observed. It's true a table of marriages are hung up in some of the Churches, but so far from being observed that nothing can be like it, and there's scarce a family in a hundred but what are related to each other in these Islands, and but two of the Council but what are, so that's it's next to a thing impossible for a stranger to expect justice to be done him either in their Courts of Law or Equity.

So far from encouraging merchants who bring trade into the Islands, they have made an Act that all goods imported by any other than a native or inhabitant shall pay double duty, and that every ship coming into any of their harbours shall pay 40s. pilotage, whereas a vessel belonging to these Islands pays only 8, if he accepts of the pilot, if not, he pays but 2s.

As to Appeals ; the Court of Assize or Common Law is of very little use in these Islands, for Appeals are admitted in all cases where the sum exceeds 40s. (contrary to Instructions, " provided the value exceed 50l."); there is not one cause which is not appealed from to the Governor and Council, and they never give any security.

In order to act arbitrarily, and that no complaints may come home against him or his Council, the Governor has made an order that no affidavit or oath shall be taken by any Judge or Justice of the Peace, unless the party, against whom the affidavit or oath is, shall be present, or has notice of it ; yet notwithstanding the Judges have refused to take affidavits or oaths, altho' the party has had notice, without the consent of the Governor. And the Governor, Council and Justices have refused to take examinations against three of his Council for perjury, tho' the Governor read the affidavits in Council, which were ready to be sworn to, but returned them, declaring that they should not, for that he would not break his Council, and ordered Mr. Nelson, who was Appellant in two causes against Mr. Anthony White, to go to a hearing when they three sat Judges who had before actually foresworn themselves in a matter wherein Mr. Nelson was concerned ; and in one of the hearings the Governour own'd there was an error in the verdict, but confirmed it, and said that they, being a Court of Chancery, would suppose and presume a thing to be done that was neither proved at Common Law nor in Equity.

He has turned out Mr. Nelson from being Chief Justice, to oblige Walker, White and Spofferth. I think Mr. Nelson to be the most judicious, sensible man in these Islands that hath courage or honesty to do the King and Country Justice. He has also dismisi him from being Judge of the Vice-Admiralty ; I have not

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met with a man here that understands anything of that matter besides himself, he being a man of long experience in trade. In his place of Chief Justice the Governor has put one Stafford, an old harpioneer, a poor, illiterate, sorry fellow, that can scarce write his name. In an action upon the case brought by Mary Vaughan against William Bryan, to the plaintiff's damage, 200*l.*, the jury found only 12*d.* damages, yet this Stafford granted execution against Bryan for the 200*l.* Besides this, he is a man of very ill fame and character ; he married a woman in these Islands, and got both her daughters with child. However, he is a very good tool for this Governor and Council to work withal. He has appointed one Dew, that has been the most notorious pirate in all America, one of the Barons of Exchequer, and several, that have been accessories to pirates, are Justices of the Peace ; one Brooks, a broken Stationer, is Attorney General ; he tells you in open Court, if you'll have English Laws, you must go to England for them ; that no Act of Parliament is of any force here unless the same be enacted here by the Assembly ; that a person that comes from England here cannot be a Juryman, because he is an Englishman, so that these Islands are finely helpt up with the Law, and Mr. Spofferth declares that he is an Irishman, and will swear anything, and is for impeaching persons in the Assembly here in imitation of the House of Commons.

About a month since two great French vessels, belonging to the Fleet of storeships that were sent to the Havana to supply M. Chateneaux, in their return for France came upon the rocks on the North side these Islands, there being in company six sail more, which were convoyed by two men of war ; one of the two vessels, after five or six hours beating upon the rocks, got off, having cast overboard 10 guns and about 40 or 50 tons of log-wood, which is since taken up. She was supposed to sink in few hours afterwards, several observing from the hills that she was gone of a sudden ; the other, the *John Cornelius*, remains upon the rocks ; the men belonging to her, finding no probability of getting off, betooke themselves to their boats in hopes of getting to the rest of the Fleet, but not being able to fetch them, came ashore, and surrendered themselves prisoners, being in all, with the officers, 54, most of them very brisk fellowes. On the 8th inst., the Governor and Council, who always take care of themselves in preserving their own interest before the publick good, hired a vessel and sent them to Martinique or some of the French Islands, and have detained here only the Master Purser and Chirurgeon, with a boy. As soon as I understood the intentions of the Governor and Council, I told the Governor that when I was with General Codrington, I had heard him say that he was in hopes, if we had a warr with France and Spain that he should have orders to fall upon Martinique, and sending so many brisk fellows there might be a great disadvantage to him ; besides, he could not get to know how the cartel was settled, or whether any quarter was given betwixt the English and French, and I hoped that he and his Council had well considered of these matters. The *John Cornelius* is a vessel of 600 tons ;

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aboard her was 7 or 800*l.* in money, 30 tons of new rigging, 100 barrels of pork, bread and flour in proportion, 3,000 odd cwt. of cuchaneel, 90 tons of logwood, 14 hhds. of claret, and several of brandy, the whole valued at 10,000*l.* and upwards. The Governor has taken all this into his possession, and says the whole is his own, and nobody else has anything to do with it, and is disposing of the rigging as fast as he can. The logwood he is preparing to send to England in the *Charles*, which will be consigned in the name of Charles Walker to one Charles Noden of London. I take this ship to be a perquisite of the Admiralty of England ; and if, upon your Lordships advising with H.M. Judge of the High Court of Admiralty, it shall be so thought, I would humbly propose, since Mr. Bennett declares positively that before he'll part with any part of it, he'll lie in prison all the days of his life, that notice be given to the Commissioners of H.M. Customs that immediately upon the arrival of any vessel from this place, she be immediately searcht, and seized, if laden with logwood, and that a Commission of Enquiry be forthwith sent here from the High Court of Admiralty to examine into the whole matter. Mr. Nelson, Josiah Starr and the Collector of the Customs may be Commissioners. I know of no others here that will be honest, or do my Lord High Admiral justice. If it please God I live to return, and be thought worthy of that honour, I should freely embrace it, that in the meantime an order be sent here for the Governor to give security in such summe as shall be thought requisite to answer it at home, for he will not permit any person to speak with any of the French Officers, for fear they should discover what was aboard the ship, and the value.

I gave your Lordships an account in my last that the Governor had taken pains to make the Militia serviceable. Upon this occasion, I take leave to acquaint your Lordships that I went upon a hill where I had the opportunity of observing of what service the Militia and people of these Islands are upon an emergency. I stayed there near upon six hours, and in all that time I did not see ten persons move towards the place where the ship was run upon the rocks ; that if out of the French Fleet they had sent 300 men ashore, they had carried the Island with all the ease imaginable ; the Company of soldiers being kept all the time the enemy was upon the coast in the Town of St. Georges, and when ordered to march they were recalled by the Governor's wife, whereas, if they had been sent up into Sommersett Tribe, they must have had the ship that got off ; the Governour having about a month before encouraged several sloops to go after a wreck near the Bahama Islands, in which there went at least three or four hundred of the best men in the country, it's a miracle to me that the Island was not surprized.

I have now bought a small vessel on purpose to carry me to Jamaica, but whether the Governor will let me go I cannot tell, for the Governor of Bermuda is as arbitrary as the Grand Turk, and unless I could be contented to call myself villain and confine myself to the humour of White, Walker and Spofferth, I'd sooner choose to be a slave in Algier then live here. I am very well

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acquainted with the customs and humours of the people of this place ; they are for flinging all the dirt they can in hopes that some of it may stick, and Mr. Bennett is as much a Bermudian as if he had been borne here, and I believe he has malice enough to do me all the disservice he can ; therefore I sent a Gentleman to him to desire if he had anything to say against me, that it might be done before I go hence. Whenever I do a thing that's ill, I know I must not expect any countenance from your Lordships, and I hope you will pass a favourable construction of everything he says in relation to me. He has made good an old saying we have in England, save a thief from the gallows, and he will be the first that shall cut your throat. I was a friend to him when he could not stir without the verge of Whitehall, and I beg the favour of your Lordships that this matter may be laid before H.M., and that I may have such relief as H.M. shall think fit. My imprisonment is taken from Mr. Day's imprisoning Mr. Randolph ; if the Governors of Bermuda are permitted to use Gentlemen sent here by the Crown after such a manner under the pretence of an affront, I don't know any person that will adventure here for the future. If I could have thought of such a thing, I would not have undergone the scandal of it for 5,000l., and I hope through your Lordships' means Mr. Bennett and I shall be brought to answer it face to face. *Signed*, Geo. Larkin. *Endorsed*, Recd. Feb. 8, Read March 2, 1702 $\frac{2}{3}$ . 6 $\frac{3}{4}$  pp. *Enclosed*,

1042. i. Abstract of preceding. 2 pp.

1042. ii.(a) Copy of Lt.-Gov. Bennett's Order to Mr. Larkin to confine himself in his chamber. Sept. 30, 1702. 1 p.

(b) Copy Lt.-Gov. Bennett's Warrant for committing Mr. Larkin to prison, Oct. 1, 1702. 1 p. *The whole endorsed*, Recd. Feb. 8, 1702.

1042. iii. Deposition of Tho. Brooke, Collector of Customs, as to Mr. Larkin's tearing down the publication put up upon the bridge by John Davis, Register to the Court of Admiralty. *Signed*, Tho. Brooke. 1 p.

1042. iv. Deposition of Samuel Day, late Governor of the Islands, in support of Mr. Larkin's account of the affair (iii.), above. *Signed*, Sam. Day. *Endorsed*, Recd. Feb. 8, 1702. 2 $\frac{1}{2}$  pp.

1042. v. Memorandum by Charles Minors, Secretary of Bermuda, Sept. 30, 1702, as to Mr. Larkin's desiring a copy of the Minutes of Council and protesting against the procedure of this day in putting off the Admiralty Court. *Signed*, Cha. Minors.  $\frac{1}{4}$  p

1042. vi. Deposition of Gilbert Nelson, Oct. 5, 1702. In a cause wherein Edward Randolph was plaintiff against deponent, St. Georges, Jan. 28, 1701, Charles Walker and Samuel Spofferth falsely swore that they were bail for Randolph. The day before, when deponent was on his trial, Charles Walker and Richard Penniston falsely swore that he was a Judge and Councillor on Feb. 27, 1698. Deponent hath often solicited Governor Bennet to take his affidavit against the above

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on this matter, but he hath put him off, and referred him to the Justices of the Peace. On July 7 he offered him again in Council three affidavits, and the persons were there ready to swear them. The Governor read and returned them, declaring that he would not have them sworn to because he would not break his Council, but required Deponent to go to trial forthwith in two causes then depending before him and his Council by way of Appeal, in which causes the above-named sat judges. Since Mr. Bennet's coming he hath made an order that no Judge or Justice of the Peace should take any affidavit against any person unless the party against whom the affidavit was to be made had notice of it. Conformable to this order the said Spofferth, Penniston and Walker had notice, Sept. 7, St. Georges, that Deponent with others intended to make oath against them touching their being forsworne, as above, before Daniel Johnson and Samuel Stone, two Justices of the Peace, but they refused to be present. And when Deponent came before Johnson, he declared he could not take the affidavit until he had spoken with the Governor. Stone likewise refused. *Signed*, Gilbert Nelson. *Sworn before Geo. Larkin. 1½ pp.*

1042. vii. Deposition of Samuel Day. To same effect as preceding. *Signed*, Sam. Day. *Endorsed*, Recd. Feb. 8, 170<sup>2</sup><sub>3</sub>. 1 p.

1042. viii. Deposition of Mr. Starr. To same effect as above. *Signed*, J. Starr. *Same endorsement.*

1042. ix. Deposition of Samuel Day etc. that Mr. Larkin had no converse with the Bermudians. *Signed*, Sam. Day, Jac. Russell, Ensign, J. Starr. 1 p.

1042. x. Copy of a presentment of a Grand Jury that Gilbert Nelson, being a Judge and Councillor, Feb. 27, 1698, did that day endeavour to overthrow the fundamental constitutions of the Government by advising the then Governor to make a decree in Chancery without the consent of the Council, against the peace of the King and against the form of the Act of Assembly which constitutes the Governor and Council the Court of Chancery. The said Nelson, Nov. 1699, did contrary to his oath of a Judge give Council and advice to Lewis Johnstoun at St. Georges in a cause then depending and to be tried before him at the next Assizes, and did afterwards receive from him at the hands of Richard Penniston 4*l.* as a reward.

Copy of Minutes of Council of Bermuda, March 6, 1698. Gilbert Nelson was sworn Councillor. His Commission for Judge of Assize is dated March 13, 169<sup>8</sup><sub>9</sub>. 1 p.

1042. xi. Copy of letter from [? *George Larkin*] to Governor Bennett. I am told that Aldboy, the French Doctor, has this morning given his tongue a great deal of liberty in relation to me. I cannot think myself well dealt

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with since I am not only confin'd a prisoner, but must suffer myself to be abused by every little fellow, and I hope you'll remember that I was sent here upon a special occasion by the same master that you were, and that what injury is offered to me is not so much to me as the Crown that sent me. And I am persuaded that Aldboy would not have so much impudence, if he were not supported by some, he being a person that I never had any converse with. 1 p.

1042. xii. Deposition that George Larkin was the first person to take an oath of fidelity to the Queen, Sept. 7, since which most of the officers, civil and military, have done the like. *Signed*, Cha. Minors, Secretary. *Endorsed*, Reed. Feb. 8, 170 $\frac{2}{3}$ .  $\frac{1}{4}$  p. [C.O. 37, 4. Nos. 9, 9.i.-xii. ; and (duplicates without abstract) 37, 4. Nos. 8, 8.i.-xii. ; and (without enclosures) 38, 5. pp. 333-358.]

[Oct. 15.] 1043. Mr. Cater to the Council of Trade and Plantations. *Prays for* dispatch in the Report upon the alteration desired to be made in the method of Appeals from Barbados, *and enquires* whether it be their Lordships' pleasure to be attended on the behalf of Petitioners. *Signed*, Eve. Cater, Agent for the Petitioners. *Endorsed*, Reed. 15, Read Oct. 16, 1702.  $\frac{3}{4}$  p. [C.O. 28, 6. No. 83 ; and 29, 8. pp. 229, 230.]

Oct. 15. 1044. Minutes of Council of the Massachusetts Bay. H.E. Cambridge. proposed that, forasmuch as one of H.M. ships of war was daily expected to arrive for convoy to the mast ships and merchant ships bound for England, an embargo might be laid on all ships bound to Europe until further order. Proclamation ordered accordingly. [C.O. 5, 789. p. 460.]

Oct. 15. 1045. Minutes of Council of Virginia. Mr. Auditor Byrd Royal College of William and Mary. excused his absence by letter. H.E. read in Council H.M. Letter May 21, 1702, appointing Councillors *etc.* H.E. said he had received no instructions as to their precedence, but provisionally placed them in this order, Philip Ludwell, Wm. Bassett and Henery Duke. They took the oaths appointed. [C.O. 5, 1409. pp. 258, 259.]

Oct. 15. 1046. Governor Dudley to the Earl of Nottingham. I have Boston. provided the bread, beef and pork H.M. directed, and the *Gospir* is fitting to proceed with it with all possible speed. I shall in a few days beat up for volunteers for the service at Jamaica, and leave no means unessay'd to obtain two good companies of musqueteers for the service, but shall find all the obstruction and difficulty in it possible from men that love no service but their own. The General Assembly meets to-morrow, when I shall urge, as H.M. has commanded me, the rebuilding of the Fort at Pemaquid and the settlement of salaries for the Governor and all other officers of the Civil list, in which nothing was ever done by any of my predecessors, my Lord Bellomont having

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contented himself with 2 or 3,000*l.* present from the people, and left the Government without a penny establishment, which is to the great hardship of every person concerned, who I am humbly of opinion have the hardest service of any H.M. foreign Governments, and not the least support provided, which will be impossible long to support, unless H.M. will please to make some positive direction therein, and though New York be not of half the estate of this Government, no person concerned here but would be glad of the same establishment the Queen's officers have there, and an easy impost and excise, without any burthen upon the planters, would bring it to pass. Our privateers have made up their prizes to the number of 15 ships etc., and we have yet two out of which I hope to have good news. *Signed,* J. Dudley. *Enclosed,*

1046. i. Abstract of above and of letters of Oct. 20, Nov. 8, and Dec. 10. 6 pp. *Endorsed*, Recd. March, 170 $\frac{2}{3}$ , Read Aug. 13, 1703. [C.O. 5, 863. Nos. 1, 1.i.]

Oct. 16.  
Whitehall.

**1047.** Council of Trade and Plantations to the Queen. Enclosing draught of Instructions for Governors of Plantations, *as following*. *Signed*, Rob. Cecill, Ph. Meadowes, Wm. Blathwayt, John Pollexfen, Mat. Prior. 1 p. [C.O. 5, 1335. p. 35; and 5, 1360. pp. 239, 240.]

Oct. 16. St. James's. **1048.** Copy of Instructions relating to the Acts of Trade for Lord Cornbury, Governor of New Jersey. [C.O. 5, 994A. pp. 94-123.]

Oct. 16. [Wrongly entered Sept. 16. pp. 90-115.] **1049.** Copy of Col. Codrington's Instructions relating to the Acts of Trade. [C.O. 153, 8. pp. 88-115.]

Oct. 16. **1050.** Copy of Capt. Bennet's Instructions to be Governor of Bermuda. [C.O. 38, 5. pp. 259-294.]

Oct. 16. **1051** Copy of Governor Sir Bevill Granville's Instructions relating to the Acts of Trade and Navigation [C.O. 29, 8. pp. 232-257.]

Oct. 16. **1052.** Copy of Instructions for Col. Nicholson, Governor of Virginia. [C.O. 5, 1360. pp. 241-290.]

[Oct. 16.] **1053.** Copy of Instructions to Governor Nicholson relating to the Acts of Trade and Navigation. [C.O. 5, 1360. pp. 291-317.]

Oct. 16. Whitehall. **1054.** William Popple to Everard Cater. The Council of Trade and Plantations have appointed Wednesday next to hear Petitioners for an alteration in the usual Instruction to Governors of Barbados relating to Appeals. [C.O. 29, 8. pp. 230, 231.]

Oct. 16. Whitehall. **1055.** William Popple to the Agents of Barbados. To same effect as preceding. The Council of Trade and Plantations

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also desire you to lay before them in writing your answer to their letter *etc.* of Aug. 25. [C.O. 29, 8. pp. 231, 232.]

Oct. 16.  
Jamaica.

**1056.** Lt.-Gov. Beckford to the Earl of Nottingham. These ships have been detained longer than was expected, the Admiral not being willing to spare any ships to convoy them through the Capes till he had brought on the trials of those gentlemen mentioned Sept. 4, nor indeed could any Captains be missed before that businesse was effected. Kirkby and Wade are condemned to be shot, but the sentence respite till H.M. pleasure be known, and Constable judged incapable of ever serving: Hudson died since their coming in, with a due regret, I hope, of his misbehaviour. One of our privateers has taken a French one, the *St. Dennis*, and a merchant ship, the *St. Jean* of Nantes. In the latter came the enclosed instructions from the Directors of the Company of St. Louis to their Captains (whom they supposed at Leogane, tho' some of them happened to fall into Port Royal) and are to direct them what course to steer upon their return home. I suppose it will be generally observed by the Company's ships, and hope they may prove of service to our cruising frigotts. Nine privateer sloops from hence are now I suppose on the Spanish Terra Firma. We understand by a Dutch privateer who comes from the coast, having taken a French ship that came from Ducass, now at Porto Bello, that our people landed upon the Isthmus, and are march'd overland by way of the stocado's: they will, I suppose, take the mines of St. Maries in their way and march from thence to Panama, which I believe will not be able to hold out against them. I am onely apprehensive that Ducass will send out a man of war from Porto Bello, and endeavour to take their sloops, to cut off their retreat, but hope he is so shattered that he will not be able to stir out from thence before the Admiral visits him. I discoursed the Admiral at large last Thursday, who then resolved to go out, and second our blades; and notwithstanding the 3 castles of Porto Bello, I think it very practicable to venture in, for with an ordinary sea-breeze one may lay it in at a stretch, two men of war will beat the Forts, and surely we shall have ships enough to take or burn that little squadron. I wonder Ducasse should venture to remain there. I'm sure 'tis no policy, and were I in his case and my ships able to swim, I should endeavour for Carthagena, or bear away for the Havana. I have endeavoured to prevail with the Admiral to take in Chiagra Castle, which I believe may easily be effected: that would secure the retreat of our Privateers, and give such a startle to the Spaniards as would perhaps break the whole measures of the French. Chiagra Castle, my Lord, is the only defence of the River of that name, and stands near the mouth of it, is not strong, nor has it, or is it indeed capable at present of entertaining a number of men; it is about 6 leagues to the westward of Porto Bello, but by land 'tis more, there lying a great tract of drowned mangrove ground (a swamp) between the town and that Castle, which renders it difficult of access, so that whoever is Master at sea may easily take and

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maintain this post. Up this River (which is navigable for canoas almost to the head, at least till within 15 or 16 miles of Panama), are carried or brought from thence all manner of goods : 'tis the key into the South Seas, and a level wain way (att Savanas) from the landing place, which is almost at the head of this River, to Panama. Your Lordship may, I suppose, have been informed of the scituuation of Panama, which is washed by the South Sea, and is the store-house of all the riches of Mexico and Peru, a healthy place, not strong, but may easily be made so, and within sight of it are several small but fruitful Islands, and very commodious for shipping. When our people from hence took Panama, we first of all made ourselves masters of this Castle of Chiagra, went up the River in our Canoas and Penagros, and marched from the landing-place over the Savanas for Panama, which made no great defence ; and though our men were fatigued, yet it was reckoned from the landing-place to Panama not above 20 English miles, tho' I believe it's not above what I have said, 15 or 16 at most. From Panama upon urgent occasions they send their money by land over the mountains which nothing but those mules can possibly pass, it being narrow, steep and rocky, but a small party of men would soon render that way impassable. Your Lordship is sensible of the advantageousness of these two posts, which might be taken and maintained, and besides the prejudice to the Spaniard in cutting of their communication between the North and South Seas, we might draw great advantages from these two posts. If this matter meets with acceptance at home, 'twill be very easy to reduce it to practice. I shall be very ready to undertake it, or to communicate my sentiments to any person whom H.M. shall be pleased to send to command this Island, and hope I shall have your Lordship's letter in my favour to him ; and I do humbly assure your Lordship that I will make it my utmost study to further ye service in these parts, whether I am judged capable of a private or a publick station. The French have been very industrious ever since the peace in the augmenting and strengthening of their Colonies on Hispaniola, and have taken all the measures possible of peopling of that Island. No private trader of 100 tons, but what is obliged to bring over 6 servants and as many Buccaneer peeces, which the Masters are to deliver at 30 livres, to be distributed to the inhabitants. Every man of war that comes there brings souldiers, each company whereof consists of above 100 men. These companies are kept on foot but 3 years, then broke ; the officers return for France, and are obliged to make up new companies, the souldiers turn Planters and are an additional strength to their settlement. Woemen are likewise sent over by every opportunity. We have done whatever has layn in our power for the encouraging of people to come over and settle with us ; their passages have been paid for by the country out of the money raised for that purpose, and an encouragement given to the Masters of vessels for every person brought over, yet our endeavours have not met with the wished for success ; some method we must contrive, and must either put ourselves in

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the capacity of ruining of the French, who daily increase on Hispaniola, or else this Island must expect to meet with the same destiny, whenever it's left destitute of a Fleet. 2,000 men with the Fleet we now have would be able to destroy that coast, with all their sugar works and settlements, they lying so distant from one another; for those of the Cape cannot come to the assistance of Port Paix, nor they to the assistance of Petit Riviere, Lester or Leogane, nor those assist Grand or Petit Guaves, or they the settlements between that place and Port Louis (or the Isle des Vaches on the South side of Hispaniola), which must depend upon itself, for it can neither receive or give aid to any other, and we might easily have effected this when Wilmott and Liliston were sent upon that design, but your Lordship has been fully informed, I suppose, of that miscarriage. Pray God send us better luck and honester men for the future. The Admirall has, and will, I am sure, discharge his duty. *Signed*, Pe. Beckford. *P.S.*—Oct. 19. I am just now informed that

Oct. 19. General Codrington has sent down all the French taken on St. Christopher's to Hispaniola: we were served so the last war, and felt the unhappy consequences of it. We have taken care that none taken by us should annoy this Island, or any other of H.M. Colonies, and therefore at our great cost we have kept them till they could be distributed amongst the ships to be sent for Europe. It will be some time before we shall hear of them again, and the French King may not care to be at the expense of sending of them back. Col. Codrington could have disposed of part himself, and might have sent the rest for Barbados, where they would have been easily disposed of amongst the merchant ships, but I think he has done the most Xtian King a great piece of service in drawing his stragling forces together, but was not pleased to consider that the supplying our neighbours with such an additional strength might prove of fatal consequence to Jamaica. I hope your Lordship will be pleased to make him sensible of it, and prevent such inconveniences for the future, and let us not be troubled with any more ill neighbours than what the King of France sends himself, which are but too many, in the opinion of, *Signed*, Pe. Beckford. *Endorsed*, R. Jan. 11, 1703.  $3\frac{1}{4}$  pp. [C.O. 137, 45. No. 20.]

[Oct. 16.] **1057.** Duplicate of preceding. [C.O. 137, 45. No. 21.]

Oct. 16. **1058.** Journal of Council of Trade and Plantations. Letter from Lt.-Gov. Bennet, Bermuda, Aug. 14, read.  
Representation signed wherewith to lay before H.M. draughts of Instructions for Governor Nicholson.

Oct. 17. Letter to Governor Sir Bevil Granville, signed.  
Letter to Mr. Sansom, concerning Capt. Bertie, ordered.  
[C.O. 391, 15. pp. 235–238; and 391, 96. Nos. 164, 165.]

Oct. 17. **1059.** William Popple to John Sansom. The Council of Trade and Plantations command me to give you notice that Capt. Bertie is now arrived here. [C.O. 29, 8. p. 259.]

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Oct. 17.  
Whitehall.

**1060.** Council of Trade and Plantations to Governor Sir Bevil Granville. *Enclosing* Capt. Bertie's Memorial against Mr. Cox. We desire you upon your arrival at Barbados to examine into that matter, and to proceed therein as you shall see cause.

We also send you enclosed an Order of Council, July 9, repealing the Act *for the better securing the liberty of H.M. subjects etc.* which you are to cause to be published and entered in the Council Books. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 29, 8. pp. 260, 261.]

Oct. 17.  
Cambridge.

**1061.** Minutes of Council of the Massachusetts Bay. 5*l.* paid to Thomas Trefrey of Marble Head for piloting into port H.M.S. *Centurion*, that brought over H.E.

46*s.* 11*d.* paid to James Russell for clothing advanced by direction of H.E. as a present to Wattanuman and other Pennicook Indians that lately waited on H.E. at Charlestown. [C.O. 5, 789. pp. 460, 461.]

Oct. 18.  
Port Royal,  
Jamaica.

**1062.** Arnold Browne to [? *the Earl of Nottingham*]. By appointment of Rear Admiral Whetstone, President at a late Court Martial held on H.M.S. *Bredah*, I being commanded to preside as Judge-Advocate, do hereby transmit an abstract of the proceedings to be laid before H.M. The trials at large cannot be completed by this merchant's ship's sailing, but by the first man of war that is despatched for England they shall be carefully sent. The inhabitants of this Island fitted out several privateering sloops, nine of which joined and sailed down to the Gulf of Darien; they landed 530 men well armed, and were soon joined by 800 natives. They all marched to Sta. Maria, an inland town which lies within 10 leagues of the South Sea. They soon possessed themselves of the same and the Goulden Mountain, in which is a very rich mine, and intended to proceed to Panama, and it is generally believed they will sack the same, in which lies an emence treasure. If the French does not destroy their sloops before their return, the advantage may be as great to the English Nation, as the attempt is bould and brave. *Signed*, Arnold Browne. *Endorsed*, R. Jan. 11, 170 $\frac{2}{3}$ . 2 pp. [C.O. 137, 45. No. 22.]

Oct. 20.  
H.M.S.  
Canterbury,  
Port Royal,  
Jamaica.

**1063.** Rear-Admiral Whetstone to the Principal Secretaries of State. Having received a Commission from Admiral Benbow, Oct. 6th. to hold a Court Martial for the trial of Capt. Kerkby, Commander of H.M.S. *Defyance*, Capt. Constable in the *Windsor*, Capt. Wade in the *Greenwich*, and Capt. Hudson in the *Pendennis*, all accused of cowardize, breach of orders and neglect of duty in the fight that Admiral Benbow had of six days continuance off the coast of Carthaghen with Mounsr. Ducass, who commanded four ships of war from 66 to 70 guns. Admiral Benbow's squadron consisted of seven ships of warr, but the forenamed four Captains so wonderfully misbehaved themselves, that Mounsr. Ducass gott from them. The 8th of this month I began

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the Court Martial, which held four days. Capt. Hudson died some days before. The Court Martial began with a Gunner for concealing and hiding 43 barrels of powder and utterly denying the same to be aboard upon a survey. The fact was proved ; the Court sentenced him uncapable of H.M. service, and all his gunner's pay forfeited to the use of the chest at Chatham. The same day Capt. Kerkby's trial came on, accused of cowardize, breach of orders and neglect of duty, sworn against by the Admiral, 10 Commission Officers, 11 Warrant and inferior Officers. Many more would have done the same if required ; his sentence to be shott to death, but respited from execution till H.M. pleasure is known. The next was Capt Constable for breach of orders, neglect of duty, but cleared by his own officers and men of cowardize. His sentence, cashiered from H.M. Service and imprisonment during her pleasure. Next Capt. Cooper Wade for the same as Capt. Kerkby. Sworn against by 16 Commission and Warrant Officers of his own ship and others. Sentence the same as Capt. Kerkby's. Next Capt. Vincent and Capt. Fogg for signing a paper with Capt. Kerkby and others not to engage the French, when they had so fair an opportunity, but the reasons they gave for so doing was that, seeing the cowardly behaviour of those Captains, they did believe that if they engaged again, they would wholly desert, and leave the Admiral and *Falmouth* a prey to the French, and the Admiral's and others great character given of their courage and behaviour in battle, the Court suspendeth them from their employes in H.M. service, but this suspension not to commence till H.R. Highness's pleasure is known. *Refers to enclosures. Signed, Will. Whetstone.* *Endorsed, R. Jan. 11, 1702 $\frac{2}{3}$ . Addressed, To the Rt. Hon. the Principal Secretary's of State, Whitehall. Sealed. Holograph. 2 $\frac{1}{4}$  pp. Enclosed,*

1063. i. Copy of Proceedings at a Court Martial held on board H.M.S. *Bredah* in Port Royal Harbour in Jamaica, Oct. 8, 9, 10, 12, 1702. *Present* : Rear-Admiral William Whetstone, *President* ; Samuel Vincent, John Hartnell, Christopher Fogg, John Smith, John Redman, George Walton, William Russell, Barrow Harris, Hercules Mitchell, Phillip Boyse, Charles Smith, *Captains* ; Arnold Browne, Judge Advocate. Oct. 8. *Trial of John Arthur, Gunner of the *Defiance*, as above.* Oct. 8, 9. *Trial of Richard Kerkby, Commander of the *Defiance*, as above. Witnesses sworn on behalf of the Queen, the Hon. John Benbow, Admiral etc. 2 captains, 8 lieutenants, 5 masters, 5 inferior officers, who deposed that Capt. Kerkby having the van in the line of battle, Aug. 19, about 3 p.m., the signal of battle being out, the Admiral was forced to send his boat on board of Kerkby and command his making more sail, and get abreast of the enemy's van, for that he was resolved to fight them about 4. The fight began, but Kerkby did not fire above 3 broadsides, and then luffed up out of the line and out of gun shot, leaving the Admiral*

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engaged with two French ships till dark, Kerkby having received no damage, and this his behaviour caused great fear of his desertion. At night he fell astern, leaving the Admiral to pursue the enemy. The 20th, at daylight, the Admiral and *Ruby* were within shot of all the enemy's ships, but Col. Kerkby was 3 or 4 miles astern. The Admiral then made a new line of battle and took the van himself, and sent to each ship one with a command to Kerkby to keep his line and station, which he promised to do, but he did not, keeping two or three miles astern, though the signal for battle was out all night, the French making a running fight, the Admiral and *Ruby* pleyed the enemy with their chase guns till night. The 21st, at daylight, the Admiral was on the Quarter of the second ship of the enemy's rear, and the *Ruby* on the broad side very near, who pleyed him warmly, and met the same return, by which he was so much disabled, tho' the Admiral came into his assistance, that he was forced to be towed off, and this prevented the Admiral's designe in cutting of the enemy's sternmost ship. This action lasted two hours, during which time Kerkby lay a broadside of the sternmost ship, as did also the *Windsor*. The Admiral then commanded Kerkby to play his broadsides on him, but this having no effect, he a second tyme commanded the same, but he fired not one gun, nay his own boatswain and seamen repeating the Admiral's commands to him, were severely reproofed, and threatened he would run his sword through the boatswain. Had Kerkby done his duty, and Capt. Constable his, they must have taken or destroyed the said French ships. The Admiral, tho' he received much damage in his sails, rigging, yards etc. yet continued the chase all night. The 22nd, at daylight, the *Greenwich* was 3 leagues astern, and the *Defiance*, Col. Kerkby, with the rest, 3 or 4 miles, the *Falmouth* excepted, whose station was in the rear. Capt. Sam. Vincent, seeing the behaviour of Kerkby and the rest, came up with the Admiral, sent his Lieut. on board, desiring leave to assist him, which was accepted, Kerkby never coming up, and by his example the rest did the same, as if they had a design to sacrifice the Admiral and *Falmouth* to the enemy, or desert. The enemy was now about a mile and half ahead, standing into the shore with a small breeze at west, and fetched within Sambay, the Admiral firing at the sternmost till night, and continued the pursuit, and a Flemish ship that was then in M. Ducass' company, on board of which was all the French and Spanish now [? new] Governours and other Officers, made her escape. The 23rd, at daylight, the enemy bore north-west dist. 4 or 5 miles, the Admiral and *Falmouth* pressing all they could to get up with them, which at 10 they did, and

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fire several broadsides at them, upon which they made all the sail and shifts they could to get clear, the Admiral and *Falmouth* pursuing, but Col. Kerkby with the rest being 3 or 4 miles astern, tho' there was not a ship but before and after the battle sailed better than the Admiral. About 7 this evening, it having been some time calm, a gale of wind sprung up, the Admiral and *Falmouth* were about two miles from the enemy, and at 8 Kerkby with his separate squadron was fair up with the Admiral, who this day sent away the disabled *Ruby*, George Walton, Commander, to Port Royal, and under his conduct the *Anne* galley retaken from the French. The 24th, in the morning, about 2, the Admiral came up with the sternmost of the enemy within call and the *Falmouth* pretty near, but Kerkby with the rest according to custom were 3 or 4 miles astern, the Admiral and *Falmouth* engaged the said ship, and at 3 the Admiral was wounded, his right legg being broake, but commanded the fight to be vigorously maintained, and at daylight the enemy's ship appeared to be a wreck, her mizen-mast shott by the board, her maine-yard in 3 or 4 pieces, her foretopsail yard the same, her stays and rigging all shot to pieces. Soon after day Kerkby with the rest being to windward of the disabled ship, Kerkby bore down with the rest of his separate squadron, and fired about 12 guns at her, and fearing a smart return from her, he lowered his main yard, his topsails on the capp, set his spritsaile and spritsaile topsail and foretopsail, stay sail, and having waired his ships, set his sails and run away before the wind from the poor disabled ship, the rest following his sad example, tho' they had but 8 men killed on board them all, except the Admiral; the other 3 French men of war were at this tyme of action about 4 miles distance from their maimed ship, whereupon the enemy, seeing the cowardize of Col. Kerkby and the rest of the 3 English ships in a squall bore down upon the Admiral, who lay close by the disabled ship, and having got in their spritsail yards, gave him all their fire, and running between him and the disabled ship, remann'd her and took her in a tow. The Admiral's rigging being very much shattered, was obliged to lie and refit till 10 o'clock, and then continued the pursuit, the rest of the Fleet following in the greatest disorder imaginable. The Admiral commanded Capt. Fogg to stand abreast of the enemy's van, and then to attaque them, having then a fine steady gale, the like not happening during the whole engagement, and further ordered that he should send to all the Captains to keep the line of battle and behave themselves like Englishmen, and this message was sent by Capt. Wade then on board the *Bredah*. Col. Kerkby on the receipt of this message,

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and seeing the Admiral's resolution to engage, came on board him, who then lay in a cradle on the orellope, and without common respect of enquiring after his health said that he wondered he should offer to engage the French again, it not being necessary, safe or convenient, having had six days' trial of their strength, and then magnified that of the French and lessened that of the English. The Admiral, being surprized at this speech, said it was but one man's opinion, and he would have the rest of the Captains', and ordered the signal to be made for all the rest of the Captains to come on board. At this time the Admiral and the rest of the ships were to windward and within shot of the enemy, and had the fairest opportunity that in six days presented, to chase, engage and destroy the enemy. Col. Kerkby had endeavoured to poyson the rest of the Captains, forming a writing under his own hand which was cowardly and erroneous, the substance of which was not to engage the enemy any more. He brought it to the Admiral, who reproved him for it, saying it would be the ruin of all, upon which he went away but writ another [*quoted* Sept. 4, *q.v.*]. During the said six days' engagement, he never encouraged his men to fight, but by his own example of dodging behind the mizen-mast, and falling down on the deck on the noise of a shot, and denying them the provisions of the ship, the said men were under great discouragement. He amended the Master of the ship's Journal of the Transactions of the fight according to his own Instructions.

Col. Kerkby denied the whole, except the written consultation. He brought several of his men to give an account of his behaviour during the fight, but their testimony ware very insignificant, and his behaviour to the Court and Witnesses most unbecoming a gentleman, and being perticularly asked by the Court why he did not fire at the enemy's sternmost ship, which he lay point-blank with, Aug. 21, he replyed it was because they did not fire at him, for that they had a respect for him, wch., upon several occasions during the triall, the same words he repeated three severall tymes.

*Sentence as above.*

Oct. 9 and 10. *Evidence of 17 witnesses that Capt. John Constable of the Windsor never kept his first nor second line of battle, but acted in all things as Capt. Kerkby had done.* The Admiral fired two guns to command him into the second line of battle. He did set more sail in order to come into the line, but upon Kerkby's calling to him to keep his line, he accordingly did. The Admiral sent his Lieutenant to command his keeping his line of battle within half a cable's length of the ship

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before him, which was twice verbally delivered. Capt. Constable denied his breach of orders or neglect of duty, but owned signing the paper at Col. Kerkby's request, and for that he had received damage in his masts and rigging, and owned no other article to be true that he signed to. He called several witnesses who all declared he kept the Quarter-deck during the engagement, and encouraged his men to fight and sometimes gave them drams of rum, and that the verbal message delivered by Lieut. Langridge was delivered in some heat and passion, and was understood to be, to keep the line within half a cable's length and to follow Kerkby, which he did. He so understood it himself. He prayed the mercy of the Court. *Sentence as above.*

Oct. 10 and 12. Capt. Cooper Wade, of the *Greenwich*; 16 witnesses deposed that during the six days engagement he never kept the line of battle; fired all his shot in vain and not reaching half way to the enemy, that he was often told the same by his Lieuts. and other officers, but commanded them to fire, saying they must so do, or the Admiral would not believe they fought. During the whole fight he received but one shot from the enemy: he was in drink the greatest part of the time and signed the paper. Capt. Wade acknowledged the honour, courage and conduct of the Admiral during the whole engagement, declaring his bravery and good management during the action. He called some persons to justify his conduct, who said but little in his favour. He begged the mercy of the Court. *Sentence as above.*

Oct. 12. Capt. Saml. Vincent, of the *Falmouth*, and Capt. Christopher Fogg of the *Bredah*, declared their reason for signing Capt. Kerkby's paper was that being deserted during each day's engagement by the *Defiance*, *Windsor*, *Greenwich* and *Pendennis*, and left as a prey to M. Ducass, they had great reason to believe they should be captives to their enemies.

The Honble. John Benbow, Admiral, coming into Court declared that during the said six days' fight Capt. Fogg behaved himself with great courage, bravery and conduct, like a true Englishman and lover of his Queen and country, and that Capt. Vincent valiantly and courageously behaved himself during the said action, and desired leave to come in to his assistance then engaged with the enemy and deserted by all the rest of the ships, which he did to the relief of the said Admiral, who otherwise had fallen into the hands of M. Ducass. *Sentence as above.* Signed, Will. Whetstone, Arnold Browne.  $7\frac{1}{2}$  pp.

1063. ii. Copy of proceedings of the above Court Martial, Oct. 8. 1 p.  
 1063. iii. Copy of proceedings of the above Court Martial, Oct. 8, 9.  $2\frac{1}{4}$  pp.

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1063. iv. Copy of proceedings of the above Court Martial, Oct. 9, 10. 2 pp.  
 1063. v. Copy of proceedings of the above Court Martial, Oct. 10 and 12. 2 pp.  
 1063. vi. Copy of proceedings of the above Court Martial, Oct. 12. 2 pp. [C.O. 137, 45. Nos. 23, 23.i.-vi.]

Oct. 20. **1064.** Duplicate of above letter. [C.O. 137, 45. No. 24.]

Oct. 20. **1065.** Mr. Hutcheson to [? Mr. Popple]. The Address from the Leeward Islands to H.M. happening to be lost by the gentleman to whom it was intrusted, I have sent the copy which I received, that their Lordships may see that 'tis the misfortune, and not the fault of that Government, that they have not appeared as early as any of the Plantations in the expression of their duty. *Refers to enclosures. Signed, Arch. Hutcheson. Endorsed, Recd. 21st, Read Oct. 22, 1702. Holograph. 1 p. Enclosed.*

1065. i. Copy of Loyal Address to the Queen from the Governor, Councils and Assemblies of the Leeward Islands. *Endorsed as preceding. 1 p.*  
 1065. ii. Copy of proceedings of Council of St. Christopher's against Capt. Norton, May 9, 1702, with several Depositions about his getting a patent for the Manor of Godwyn in that Island. *Endorsed, Recd. Oct. 21, 1702. 3 $\frac{1}{4}$  pp.*  
 1065. iii. Copy of a letter from Wm. Freeman to Capt. Norton, London, April 18, 1699, relating to the Manor of Godwyn. *Same endorsement. 2 pp.*  
 1065. iv. Copy of a writ of division of the Manor of Godwyn (Godding's Plantation) between Lt.-Gov. Norton and William Freeman. Feb. 2, 1699 (1700). *Same endorsement. 1 p.*  
 1065. v. Copy of an Order for an appraisement of the Improvements made by Capt. John Pogson, attorney to Wm. Freeman on the Manor of Godwyn, together with Pogson's petition to be restored thereto, and Col. Codrington's Order thereupon, May 10, 1701. *Same endorsement. 2 $\frac{1}{4}$  pp.*  
 1065. vi. Copy of Capt. Norton's surrender of the Manor of Godwin to John Perrie, for the use of H.E. Christopher Codrington. St. Christopher's, April 29, 1701. *Signed, James Norton. Same endorsement. 1 p.*  
 1065. vii. Copy of a Certificate by the Depty.-Secretary of St. Christopher's, Ja. Taylor and Geo. Larkin, Notary Publick, that there is upon record in the Secretary's Office a power of attorney from Dame Genevieve Benoist, Widow to one De Chambré, to Louis Caqueray de St. Saintonin de la Valminière empowering him to take possession of the manor of Godding, formerly purchased by De Chambré from William Freeman, and likewise a power of substitution from Valminière to

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Robert Cunyngham to take possession of said Plantation, Aug. 25, 1701. *Same endorsement.* 1 p.

1065. viii. Certificate of the Council of Nevis. June 5, 1702. Col. James Norton, late Lt.-Governor of St. Christopher's, one day came into the Council Chamber at Charles Town and requested us to give him a patent for a plantation upon St. Christopher's (Manor of Godwin). He was answered that it was discoursed the late General had granted a patent for the said Plantation, and that the said General had some pretensions to it, and until the truth of that matter was known, no patent should be granted. Some time after, Norton produced that patent the General granted, saying that it was surrendered to him. Believing what he said was truth, being the King's Lt.-Governor, a patent was granted. *Signed,* Wm. Burt, Dan. Smith, Richd. Abbott, Wm. Buttler. *Same endorsement.* 1 $\frac{1}{2}$  pp.

1065. ix. Certificate of Geo. Larkin, Notary Publick, June 5, 1702, that he was present in the Council of St. Christopher's, May 22, 1702, when all the Gentlemen of the Council declared that General Codrington offered Col. Norton 100 guineas if he wished to justify his actions as Lt.-Governor in England. They likewise declared that the General sent Col. Elrington to St. Christopher's some time after the passing of some Acts of Assembly to desire that they might be engrossed, in order to his transmitting the same home to be confirmed, but never as yet could obtain the same, which is now near upon 12 months since. Some short time after the General's first coming to St. Christopher's, Mr. Mead came to Col. Lambert, one of the Members of Council, and told him that he had laid open Col. Crisp in his true colours to the General, and that he believed he had done Crisp's business with the General. *Signed,* Geo. Larkin. *Same endorsement.* 1 p.

1065. x. Copy of petition of William Mead to Col. Codrington. [Cf. *Cal. A. & W. I.*, 1701, Nos. 1089.i., 1090.i. etc.] Whereas there is a judgment by default past against the Casual Ejector for two certain Plantations [of] which petitioner is but a tenant to Thomas Harvey, of Bristol, a Minor, and pays an annual rent for the same, and he not having any guardian to appear for him, whereby your Petitioner might have been defended in his lease, and petitioner having also divers utensils on the premisses, besides the labour and improvement of his own slaves to a very considerable value, Petitioner prays that the Lessee be forced to accept of the rent, as also Petitioner not to be dispossessed of his lease till a final determination be. *Subscribed,*

This Petition is wholly irregular and desires of me what I cannot grant without acting both arbitrarily and unjustly. There is an appeal already prayed in

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this cause, and when it comes regularly before me, I shall decree according to my conscience. *Signed*, Christopher Codrington. *Subscribed*,

This is a true copy of the petition presented by Mr. Mead immediately after the tryall and the day before the execution. *Signed*, Jno. Smargin, Clerk, Council. 1 p.

1065. xi. Copy of Petition of William Mead to Governor Codrington. *Repeats first part of first petition, above.* For want of a guardian to defend the same, tho' often pressed by Petitioner's Council to the Court to appoint one, but was by the said Court refused, judgment was entered against the Casual Ejector, upon which Petitioner craved an Appeal to your Excellency, which was granted him. Prays H.E. to signify in what Island and when he may attend with his Appeal. *Subscribed*,

H.E. takes this to be a libel and not a petition, nor can he apprehend what is the drift or design of it, for not to mention the false Inglish in every line of it, he desires to know what is meant by "judgment obtained against two Plantations"; or what was meant by asking Letters of Guardianship from the Court, since they might have had them, and may still have them from the Ordinary, whose business 'tis to grant them; if the Petitioner be in earnest for an Appeal, it shall be h(e)ard as soone as he pleases. *Signed*, Chr. Codrington. May 26, 1701. *Endorsed*, Reed. Oct. 21, 1702. 1 p.

1065. xii. Certificate of the Council of Nevis, in reply to a query from Governor Codrington, that there is no time limited for execution after judgment. *Signed*, Wm. Burt, Richd. Abbott, Wm. Linge, Tho. Belman. *Same endorsement*. 1 p.

1065. xiii. Certificate by George Larkin, Nevis, June 5, 1702, that he was present in Council, June 3, when General Codrington desired to be informed whether it was customary to allow four days or any other certain number of days after the signing of judgment before execution issued, and the Gentlemen of the Council declared *as above*.

Certificate of James Bevon, Chief Justice of Nevis. There neither is nor ever was since my memory any custom or rule of Court that four days should be allowed after judgment for granting execution. *Signed*, Jas. Bevon. *Same endorsement*. 1 p.

1065. xiv. Copy of Letter from Governor Codrington to the Council and Assembly of Nevis. May 21, 1702. You are acquainted with the scandalous allegations against me, which is founded upon a general report in this Island that I had entered into treaty with Mr. Herbert for the two Plantations he recovered of Mr. Mead. I desire you will please to certify whether you have ever heard the least report or suspicion of such a thing.

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I add this because I think I have behaved myself, soe that I believed noe man in the Leeward Islands would offer me a bribe. *Signed*, Chr. Codrington. *Subscribed*.

Reply of the Council of Nevis to above. The scandalous allegations made against you in England is wholly without cause, or any colour of reason to us known, for that we never heard that ever your Excellency either entered into or caused any other person to enter into any treaty with Mr. Herbert or any other for him, for both or either of his Plantations lately recovered from Capt. William Mead, and we never heard of any the least surmise or suspicion concerning such a thing, but your Excellency's justice hath been such here, that we conceive noe person could have soe much impudence as to pretend to offer your Excellency any bribe openly or privately. May 21, 1701. *Signed*, Wm. Burtt, Jno. Smargin, Richd. Abbott, Wm. Butler, Ja. Bevon, Aza. Pinney, Wm. Ling. *Same endorsement*. 1 p.

1065. xv. Copy of reply of Assembly of Nevis, *to same effect as preceding*. May 21, 1702. *Signed*, John Ward, Speaker. *Subscribed*,

I was present when the Assembly declared that they had directed Mr. Ward to sign this paper etc.; and that it was by direction of the Assembly that one of their Members moved H.E. in March, 1701, for a Commission for trial of all causes then depending, amongst which was this. The Commission was the same it had been for 20 years past. *Signed*, Geo. Larkin. *Same endorsement*. 1 p.

1065. xvi. Duplicate of No. viii. *supra*.

1065. xvii. Council of Antigua to Governor Codrington. June 22, 1702. Your Excellency having desired to know of us what we think of Mr. Freeman's 10th article, tho' we cannot assert anything as a negative, yet we may safely say your Excellency must have acted very inconsistently with yourself in that particular, if you are guilty of what is there alledged against you, and therefore verily believe it is as false as 'tis malicious. *Signed*, by command of the Council, Walter Quarne, Cl. Council. *Same endorsement*. 1 p.

1065. xviii. Assembly of Antigua to Governor Codrington. We believe it [Mr. Freeman's 10th article] to be a malitious and scandalous aspersion, and doe admire that any person whatsoever should assert or invent so notorious an untruth. *Signed*, Peter Lee, Speaker. John Gamble, Nathaniel Crump, John Lyons, Richard Oliver, Rob. Thornton, Sa. Watkins, Edw. Perrie, Ja. Reade, James Watheville, Tho. Turner, Stephn. Duer, Isaac Horsford, James Barter, John Paynter, John Ker Francis Rogers. *Same endorsement*. 1 p.

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1065. xix. Council of Antigua to Governor Codrington. June 6, 1702. In reply to your queries, we have found your conduct agreeable to your promise to govern according to Law. You have often prest us to the making good and wholesome Laws etc. Your Excellency has been the only General who has put the Militia under an exact discipline and hath with an unwearied diligence shown a very good example both in your person and orders. You did assure us that you came to rule as the King's Governor and not as Col. Codrington's son, neither do we believe that you have sided with any parties. We do not know nor have ever heard that your Excellency did endeavour the choice of a Speaker, or any the Representatives, nor can we in the least say you have used any means to procure publick presents, but on the contrary have said you would not deny us anything tending to the public good without money, nor for the sake of money grant what you thought not proper. *Signed*, Edward Byam, Hen. Pearne, James Thynne, William Thomas, William Codrington, Row. Williams, Jno. Hamilton. *Copy. Same endorsement. 2 pp.*

1065. xx. Assembly of Antigua to Governor Codrington. Reply to same queries, to the same effect as preceding. *Signed, as No. xviii. Same endorsement. 2 pp. [C.O. 152, 5. Nos. 12, 12.i.-xx.]*

Oct. 20. **1066.** Vice-Admiral Benbow to the Earl of Nottingham. **Jamaica.** Capt. Richard Kirkby and Capt. Cooper Wade are under the sentence of death, but the execution defer'd till H.M. pleasure be further known therein. I humbly desire you'll please to lay the matter (which also comes by this conveniency) before H.M., and that you'll please to let me know her pleasure therein; the people in these parts are extreamly incensed against them, haveing never heard or met with anything so base. Her Majesty is wise, merciful and just, will doe the thing that is right, and oblige her loyal subjects to be faithfull to her interests as in duty bound. *Signed, J. Benbow. Endorsed, R. Jan. 6, 170 $\frac{2}{3}$ . 1 p. [C.O. 137, 45. No. 25.]*

[Oct. 20.] **1067.** Duplicate of preceding. *Endorsed, R. Jan. 11, 170 $\frac{2}{3}$ . [C.O. 137, 45. No. 26.]*

[Oct. 20.] **1068.** Memorial of John Thraile, Merchant, proposing Mr. Hallet, son of Capt. John Hallet, late of the Council in Barbados, for one of the vacancies therein. *Endorsed, Reed. Read Oct. 20, 1702.  $\frac{3}{4}$  p. [C.O. 28, 6. No. 84.]*

Oct. 20. **1069.** Journal of Council of Trade and Plantations. Letter **Whitehall.** from Mr. Jenings Aug. 20. read.

Memorial from John Thraile [Oct. 20] read.

Oct. 21. Mr. Hodges with some other Gentlemen, in the name of the Petitioners for an alteration to be made in the Instruction to

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the Governors of Barbadoes relating to Appeals, attending on the one side, and Sir Bevil Granville, Governor, the Agents and several other Gentlemen, the Agents in that Island, on the other; the Petitioners complained of a great inconvenience in that Instruction as well with relation to Appeals from the Inferior Courts to the Governor and Council as from the Governor and Council to H.M. in Council here. The sums limited for Appeals in both cases (they said) were much too high, and the time limited for Appeals to England much too short; they offered that to prevent the bringing of vexatious suits from the Inferior Courts to the Superior, the Appellants should be subjected to a penalty in case their Appeal was judged not to be well grounded; and as to the security to be taken from the Appellants, in cases of Appeal to England, they said that it ought to be only for costs and damages, and that there was no reason to require security to answer the condemnation, because by the same Instruction those Appeals are not to suspend the execution of the sentence given there. They acknowledged, nevertheless, that as far as Appeals from the Inferior Courts to the Superior, tho' the Instruction did limit them to the value of 300*l.*, yet the practice was to allow such Appeals for small sums. After they had opened what they thought fit upon these heads, it being observed that the Gentlemen who had spoke were of the long robe, which had not been ordered, and that they had occasionally touched upon points of Law here in England, Mr. Bridges desired in behalf of the Agents and others most considerably interested in the Island, that they might have liberty also to bring some Gentlemen capable to answer them in point of Law, which was allowed, and this day seven-night appointed.

Oct. 22.

Letter from Mr. Hutchinson, Oct. 20, with enclosures, read.

Letter from Col. Codrington, July 6, read. Ordered that Mr. Hutcheson be desired to attend the Board to-morrow, and that he be then acquainted with what the Board have lately writ Col. Codrington, relating to their satisfaction with his proceedings.

Mr. Bateman, the Solicitor, brought to the Board the Act for settling H.M. part of St. Christopher's, with a copy of Mr. Attorney-General's opinion thereupon, which, he said, were found amongst Mr. Mead's papers since his death, and desiring their Lordships' report thereupon, he was told the said Act should be considered the first opportunity. [C.O. 391, 15. pp. 240-249; and 391, 96. Nos. 167-169.]

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**1070.** Minutes of Council in Assembly of Barbados. H.M.S. *Kinsale* not being in readiness to sail yet, and it being generally suspected that the French are working some designs at Martineque, by reason that some of their vessels have appeared for a considerable time upon this coast, the Board accepted Samuel Cox's generous offer that his sloop the *Seaflower*, George Chowne, Commander, go down to view Martineque and return in 14 days. Ordered that he have liberty to sail with 40 men protected from

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any press warrant, and that in case he can make no discovery there, that he go on to Antegoa to wait on the General there, to know what news those parts afford, and then to make the best of his way to this Island. [C.O. 31, 6. pp. 291, 292.]

Oct. 20. **1071.** Minutes of Council of the Massachusetts Bay. A Cambridge. Representation being made that by reason of the changes of Government that have happened, the Books, writings, records and manuscripts belonging to the late Colony of New Plymouth are at present out of the custody of any person under obligation to keep them safely, or to transcribe and attest copies thereof, the same being of great concern to the inhabitants of that Colony, containing the grants and evidences of all their lands and other publick transactions, whilst they were a distinct Government, a Committee was appointed to examine the said Records, make a list of them, and to report to H.E. and Council. Ordered that Mr. Sprague and others in whose custody they at present are, attend the said Committee therewith. [C.O. 5, 789. p. 461.]

Oct. 20. **1072.** Journal of House of Representatives of New York. Several Members took the Oaths and subscribed the Declaration appointed. William Nicoll chosen Speaker, was approved by H.E. H.E. addressed them: "It was an extreme surprise to me to find this Province, at my landing, in such a convulsion as must unavoidably have occasioned its ruin, if it had been suffered to go on a little longer. The many complaints that were brought to me, against the persons I found here in power, sufficiently proved against them, and the miserable accounts I had of the condition of our frontiers, made me think it convenient to delay my meeting of you in General Assembly till I could inform myself of the condition of this Province, that I might be able to offer to your considerations some few of those things which will be necessary to be done forthwith for the defence of the country. The first thing which I earnestly recommend to your care is, the providing for the defence of the City and Port of New York, which seem to me to be much exposed, and likewise for the defence of our frontiers, which I have found in a much worse condition than I could have imagined, the soldiers being naked and almost unarmed, and the Forts, in reality, defenceless, so that it will be absolutely necessary in the first place to provide such sums of money as may be necessary for the making some works that will be proper for the defence of the country, and for the raising of 200 men, which I think absolutely necessary to be placed at Albany and Schenectady for the defence of the frontiers this winter. I hope the Representations I have sent home will have that good effect, that H.M. will give such directions that the burden here may be made lighter; however, in this time of exigency, I earnestly recommend unto you a dispatch of these things; and you may assure yourselves, that whatever sums shall be granted by you, shall be applied to those uses only for which they were given, of which you shall have an account at your next meeting. I think it my duty to

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recommend to you a bill for better regulating the Militia ; for erecting of public schools in proper places ; appointing fit persons to examine and state the public accounts and debts of this Province, that when the debts are known, such proper methods may be taken for the payment of them in due time as will best suit the condition of the Province. I assure you in the Queen's name of H.M. protection and the full enjoyment of the liberty and Laws of England. I heartily rejoice to see that the free choice of the people has fallen upon Gentlemen whose constant fidelity to the Crown and unwearied application to the good of their country is so universally known."

Ordered that an Address be drawn up, thanking H.E. for his speech.

Joseph Purdy took the oaths etc. appointed.

Message sent down from H.E. and Council that it was the custom of the Parliament of England to appoint a chaplain to read prayers to them every morning before they proceed on business that day, and desiring them to do the same.

Oct. 12,  
[sic 21?]

The House met and adjourned till to-morrow.

Oct. 22.

Several Members took the oaths.

Resolved that that part of H.E.'s Speech relating to the defence of the Country be taken first into consideration.

The House attending, presented H.E. with an Address of thanks for his Speech. "They are heartily sensible of the misery and calamity this Country lay under . . . and are not sufficiently able to express the satisfaction they have both in their relief and their Deliverer. They entirely believe they cannot be happier than under the reign of so good and so great a Princess as H.M., especially since the care of H.M. in these parts is committed to a person of your Lordship's generous and noble character" etc. H.E. received the Address with great satisfaction. *Printed.* [C.O. 5, 1185. pp. 1-3.]

Oct. 20.

**1073.** Governor Dudley to the Earl of Nottingham. I wrote largely an account of the present state of the Government of Road Island, and their refusal in everything to obey H.M. commands in the affair of the Militia, since which they have as absolutely refused the jurisdiction of the Admiralty, and will not submit to take commission for a privateer they have set out, though freely offered them, and Mr. Atwood, the Judge of the Admiralty that my Lord Bellomont left here, is gone and left a Deputy, Mr. Newton, who was no more than an ordinary Attorney in England and has no estate here. I formerly wrote praying that Col. Nathaniel Byfield, a man of the best character and a fair estate, who was turned out before Mr. Atwood came in, might be restored, and as I was commanded to nominate an Attorney General. I humbly offer Mr. Paul Dudley, the only Barrister at Law here who had his education in the Temple, and at present manages the business to acceptance of everybody that loves the Government of *England*. There is no salary nor fees depending, nor like to be obtained till I can settle the support

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of the Government, but if he may obtain your Lordship's favour for a warrant, he is my son and I shall freely answer his management here for the Queen's service. Without a good Judge of the Admiralty and Attorney General, I cannot hope for any good in the Courts of this Province. The Council have so great a share in the appointment of the other Judges, I can have less dependence upon those Courts. *Signed*, J. Dudley. *Copy*. 2 pp. [C.O. 5, 863. No. 2.]

Oct. 21. **1074.** Col. Jory and others to the Council of Trade and Plantations. Recommending John Warde, an inhabitant of Nevis, a man of known integrity and recommended by Governor Codrington, to be Lieutenant-Governor of Nevis. *Signed*, Joseph Jory, Agent for Nevis, Rd. Cary, Richd. Meriwether. *Endorsed*, Reed. Read Nov. 9, 1702. 1 p. [C.O. 152, 5. No. 13.]

Oct. 21. **1075.** Minutes of Council of Bermuda. The Governor set Mr. Larkin at his liberty. [C.O. 40, 2. p. 51.]

Oct. 22. **1076.** Order of Queen in Council. Approving of draught of St. James's. Instructions for Governor Nicholson, and ordering them to be prepared for H.M. signature. *Signed*, John Povey. *Endorsed*, Recd. Read Dec. 9, 1702.  $\frac{3}{4}$  p. [C.O. 5, 1313. No. 2; and 5, 1360. p. 327.]

Oct. 22. **1077.** Order of Queen in Council. Approving Representation St. James's. of Oct. 16 upon Instructions relating to the Acts of Trade for Governor Nicholson, and ordering the same to be prepared for H.M. signature. *Signed*, John Povey. *Endorsed*, Recd. Read Dec. 9, 1702.  $1\frac{1}{4}$  pp. [C.O. 5, 1313. No. 3; and 5, 1360. pp. 328, 329.]

Oct. 22. **1078.** Order of Queen in Council, approving Representation of Oct. 16 upon Instructions relating to the Acts of Trade for Governor Codrington, and ordering the same to be prepared for H.M. signature. *Signed*, John Povey. [C.O. 153, 8. p. 127.]

Oct. 22. **1079.** Memorandum of preceding.  $\frac{1}{4}$  p. [C.O. 152, 5. (Dec. 9.) No. 14.]

Oct. 22. **1080.** Memorandum of Order in Council, approving Representation of Oct. 16, upon the Instructions relating to the Acts of Trade for Mr. Birch, Governor of the Bahamas. *Endorsed*, Recd. Read Dec. 9, 1702.  $\frac{1}{4}$  p. [C.O. 5, 1262. No. 2.]

Oct. 22. **1081.** Memorandum of similar Order in Council upon Instructions for Sir Nathaniel Johnson, Governor of Carolina. *Same endorsement*.  $\frac{1}{4}$  p. [C.O. 5, 1262. No. 3.]

Oct. 22. **1082.** Memorandum of Order in Council, approving the Representation of Oct. 16, upon the Instructions relating to the Acts of Trade for Governor Sir Bevill Grauville. *Endorsed*, Recd. Read Dec. 9, 1702.  $\frac{1}{4}$  p. [C.O. 28, 6. No. 85.]

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Oct. 22. **1083.** Memorandum of Order in Council, approving Representation of Oct. 16 upon the Instructions relating to the Acts of Trade for the Governor of Jamaica.  $\frac{1}{4}$  p. [C.O. 137, 5. No. 85.]

Oct. 22. **1084.** Memorandum of Order of Council, approving Representation of Oct. 16, upon the Instructions relating to the Acts of Trade for Lord Cornbury, Governor of New Jersey.  $\frac{1}{4}$  p. [C.O. 5, 970. No. 10.]

Oct. 22. **1085.** J. Granville to the Council of Trade and Plantations. *In reply to letter of Oct. 14.* We have no objection against your taking security from Mr. Birch, for we should never have proceeded so far as to have given him a Commission if we had not thought him very well qualified for the execution of it. *Signed, J. Granville. Endorsed, Recd. Read Oct. 23, 1702. Holograph.  $\frac{3}{4}$  p. [C.O. 5, 1261. No. 156; and 5, 1290. pp. 230, 231.]*

Oct. 22. **1086.** Earl of Nottingham to the Council of Trade and Plantations. Being informed that Mr. Atwood and Mr. Weaver are come to Plymouth, and having heard great complaints against them, but not knowing the particulars which are objected to them, nor consequently what proceedings should be in their case, I desire you to tell me the nature of their offences laid to their charge, and what proofs you have of them, that such orders may be given as are just and proper. *Signed, Nottingham. Endorsed, Recd. Read Oct. 23, 1702. 1 p. [C.O. 5, 1047. No. 77; and 5, 1119. p. 211.]*

Oct. 23. **1087.** Council of Trade and Plantations to the Earl of Nottingham. *Reply to preceding.* We can only acquaint your Lordship[s] that we have received from Mr. Lodwick, a merchant of this City, great complaints of their conduct, especially in the proceedings against Col. Bayard and others. But having not yet received from the Lord Cornbury the full account which he has promised us of that matter, we are not able at present to give any other proof. Only we observe that Mr. Atwood, being Chief Justice of that Plantation, and Mr. Weaver Receiver-General of the Customs and other H.M. Revenue there, have withdrawn themselves without leave of the Governour, as we suppose, and in contempt of Proclamations issued for the apprehending of them. *Signed, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen. 2 pp. [C.O. 5, 1084. No. 9; and 5, 1119. p. 212.]*

Oct. 23. **1088.** William Popple to William Lowndes. The Council of Trade and Plantations being informed by the Earl of Nottingham that Mr. Weaver, Collector of H.M. duties in New York, is arrived at Plymouth under a borrowed name, and understanding that he has thus withdrawn himself without the Governour's leave, and in contempt of a Proclamation issued for the

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apprehending of him, their Lordships have commanded me to desire you to acquaint the Lord High Treasurer, that H.M. Revenues in that Province may not suffer thereby. [C.O. 5, 1119. p. 213.]

Oct. 23.

Whitehall.

**1089.** William Popple to William Lowndes. Enclosing draft of Mr. Byrch's bond for the Lord High Treasurer's directions, that the same may be taken at the Exchequer or elsewhere, as his Lordship shall think fit, it being a matter chiefly relating to H.M. Revenue. [C.O. 5, 1290. pp. 231, 232.]

Oct. 23.

Whitehall.

**1090.** Journal of Council of Trade and Plantations. Mr. Hutcheson attending, was told, in relation to the Address [delivered Oct. 20], that all matters of that kind ought properly to be communicated to a Secretary of State.

Letter from Lord Nottingham, Oct. 22, read and answered.

Letter to Mr. Lowndes [Oct. 23] ordered.

Letter from Col. Granville, Oct. 22, read. Letter to Mr. Lowndes relating thereto ordered [Oct. 23]. [C.O. 391, 15. pp. 250-252; and 391, 96. No. 170.]

Oct. 23.

Cambridge.

**1091.** Minutes of Council of the Massachusetts Bay. H.E. nominated for Justices of the Peace within the County of Middlesex: Capt. James Meriot, Capt. John Browne, Jonas Bond, Edward Emmerson. For Judge of Probate, John Leverett; Register of Wills, Thomas Swan; Sheriff, Samuel Gookin; Coroner, Andrew Boardman. The Council assented. H.E. nominated for the Council of Essex: Jonathan Corwin, Justice of the Inferior Court; John Appleton, Judge of the Probate; Daniel Rogers, Register of Wills; William Gedney and Major Daniel Davinson, Sheriffs; Capt. John Browne, of Marblehead, Coroner.

H.E. nominated for the Council of Bristol: Nathaniel Byfield, Judge of Probate; John Carey, Register; Henry Mackintosh, J.P. For the County of Suffolk: Giles Dyer, Sheriff. County of Plymouth: Nathaniel Thomas, jr., Register of Wills. The Council assented.

Petition of Jonathan and Christopher Peake, administrators of their father Jonathan Peake, late of Roxbury, read; ordered that the estate be valued and that they give security to pay to the elect men of Roxbury  $\frac{1}{4}$  of the annual income towards the support of their aunt Sarah Peake, a distracted person, during her lifetime. [C.O. 5, 789. pp. 462, 463.]

Oct. 23.

**1092.** Journal of House of Representatives of New York. Joint Committee of the two Houses appointed to prepare an Address for congratulating H.M. on her accession.

Resolved that a Chaplain be appointed to read prayers to the House.

Ordered that the Votes of this House be printed.

Resolved, that 1,800*l.* be granted to H.M. for the raising of men, to be placed at Albany and Schenectady, or other suitable places, for the defence of the frontiers this winter.

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Oct. 24.

Ordered that a Message be sent to H.E. to enquire what those works are H.E. thinks proper for the defence of the Country, with an estimate of the sum necessary for making them.

Committee appointed to examine a petition of David Provost, Isaac D'Riemer, Nicholas Resevelt, and Barent Reynders, complaining of an undue election for the City and Council of New York.

Congratulatory Address to H.M. agreed to *nem. con.* Printed. [C.O. 5, 1185. pp. 3-5.]

Oct. 23.

**1093.** Minutes of Council of Virginia. Pursuant to an Order of Council, Aug. 21, the Pamunkie, Chickahominy and Nanscatuo Indians having sent two great men each to answer the complaint of the Nattaway Indians, they were asked if they knew anything of the captives carried away from the Nattaways. They declared not, and, the Nattaways making nothing to appear against them, they were dismissed.

The Nattaway, Pamunkie and Chickahominy Indians complaining that the Tuscoruro Indians came in great bodies into this country to hunt, whereby the game, which is their chief support, is destroyed, and also they are in danger of being assaulted by them, ordered that the said complaint be referred to be considered at some more convenient time.

Oct. 24.

Letter from Capt. James Moodie, H.M.S. *Southampton*, and Thomas Layton, purser, read, representing that the 12 months' provisions which they brought out of England was expended June 2, and ever since they have supplied said ship upon their own credit, but now, being refused money for their Bills of Exchange unless endorsed by H.E. or some gentleman residing in the country, they prayed H.E. consideration. H.E. informed Mr. Layton that the reason his Bills were refused was because the Bills formerly drawn by the Captains and others concerned in the ships of war here have not been answered by the Commissioners of the Victualling Office, and particularly that H.E. having advanced to Capt. Jno. Aldred upwards of 100*l.* sterl. upon a letter of credit from the said Commissioners, he had not yet reed. any payment thereof, and the reason he apprehended to be that they believed he must have had some profit here by the advance of the money, whereas indeed he had no other consideration but only to serve the Crown. But H.E. declared that, as he always thought it his duty to venture not only his fortune, but also his life for H.M. service, if Capt. Moodie and all his officers would certifie that the credit now desired was absolutely necessary for H.M. service, he will supply Capt. Moodie as far as shall be necessary, and for preventing the like straits, will represent the same to H.R.H. Prince George of Denmark. [C.O. 5, 1409. pp. 259-260.]

Oct. 26.

**1094.** Mr. Larkin to the Council of Trade and Plantations. Refers to purchase of vessel mentioned Oct. 15. When I had cleared with the Collector of Customs and Naval Officer, I went to the Secretary, but he refused to let me clear with him unless I would

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give 1,000*l.* bond not to take any person off the Island without the Governor's ticket. I told him that I knew of no Act of Parliament that warranted anything of that nature, and therefore I desired to know whether there was any Act of Assembly for it, upon which he search't, but found none, but that it was usual for every person so to do. I thereupon desired to know whether Captains of H.M. ships did it, or any others that were sent here upon the service of the Crown, and particularly whether the Master of the vessel that some time ago brought here the Mediterranean Passes. He told me no, but I must. I told the Secretary that considering the usage I have had since my coming, and how long I had been a prisoner, it was impossible for me to do it. Upon this, I put in a Master and sent him to the offices to clear *de novo*, and to give security, but they all refused to let me do it. By this very thing do Governors oppress H.M. subjects to the greatest degree imaginable, often forcing them to pay great sums of money and give releases. The late Governor, Mr. Day, forced one Trott when he was here to pay 50*l.* before he would grant him a tickquett, being paid to a third hand. I bought this vessel of the late Secretary's brother; the Secretary has been a prisoner here 16 or 17 months, but is now released. It was part of my agreement that I should carry them passengers to Jamaica. The Governor promised them when the sloops was ready to sail that they should have their tickquetts, and they were both published in the Church, and neither of them were underwritten when the vessel was ready to sail, but now the Governor refuses to grant them tickquetts, thinking that I'll carry them off without, in hopes of saddling me with a complaint to your Lordships with doing a thing that's contrary to the custom of this country. My Lords, I'll never do it, I'll first sell the vessel again and stay till I can get a passage otherways. If this be the trade, I'll take care how I come to Bermuda again. *Signed*, Geo. Larkin. *Holograph.* 2*½* pp. [C.O. 37, 4. No. 11; and 38, 5. pp. 358-360.]

Oct. 26. **1095.** *Duplicate of preceding.* [C.O. 37, 4. No. 10.]

Oct. 26. **1096.** Journal of Council of Trade and Plantations. Reference from Sir C. Hedges on Mr. Penn's petition [Oct. 2] read.

Mr. Phips and Mr. Vaughan, Agent for New Hampshire, presented a letter from Col. Dudley, July 23, with a collection of their Laws and other papers. [C.O. 391, 15. pp. 252, 253; and 391, 96. No. 171.]

Oct. 27. **1097.** Minutes of Council in Assembly of Barbados. 20 barrels of powder issued for the use of the Forts.

288*l.* 0*s.* 1*3*<sub>4</sub>*d.* paid to Saml. Irish for the entertainment of the Commissioners of the Fortifications and other disbursements for the use of the Fortifications.

47*l.* 11*s.* 6*d.* paid to Nathaniel Brandon for entertaining the same Commissioners.

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Three or four French privateers having been seen to windward watching to take our merchant ships as they are coming in, Ordered that H.M.S. *Kinsale* and the brigantine *Lark* sail in pursuit, and continue their cruize till this day sevennight, and then return unless they find very good reason to the contrary. The merchant ships now ready to sail to be stopt till their return.

Court of Chancery adjourned for four weeks owing to the illness of Mr. Harrison the Register, certified by Dr. William Browne.

Petition of Will. Sambo, a negro, complaining that Charles Squire demanded him as his slave, although he was a free negro fairly manumitted, dismissed at petitioner's request.

Petition of Capt. John Heywood, guardian of Robert, Thomas, Ann, May and Margaret Hurst, that a settled allowance might be appointed to each of them till they come to age, dismissed, nobody appearing for the petitioner.

Petition of Wm. Peacock, setting forth that he did keep a horse to carry him upon his business, and was very old and not able to do duty in the troop, and praying that he might be excused, dismissed, it being contrary to the Act of Militia.

25*l.* paid to Lt. Col. Walter Scott for a negro of his murthered by a negro belonging to Dr. John James Harrison, who was executed.

25*l.* paid to George Harper for a negro woman of his who ran away and absented herself from her master's service for over a year.

Petition of Nicholas Rice, praying a stay of execution, dismissed, nobody appearing for him.

Petition of Sampson Wood, complaining that Christopher Warren and John Sutton, two Justices of the Peace, had refused to give him copies of their proceedings against him at the suit of Bryan Haggart in order to bring a writ of error, dismissed for his not appearing.

Petition of Richard Price against Mr. Morris about a path that was run out by a Jury on his land, dismissed, petitioner not appearing.

Petition of Capt. Stephen Gibbs praying an appeal against an order of this Board for suspending a writ of replevin obtained by Gibbs against a seizure made by John Bemisden etc. dismissed, petitioner not appearing.

Ordered that H.M.S. *Kinsale*, upon notice of any French privateers cruising off this Island, immediately sail in pursuit of them, without waiting for any further orders from the President. [C.O. 31, 6. pp. 292-297.]

Oct. 27. **1098.** Journal of Assembly of Barbados. There not being a quorum, adjourned to Nov. 24. [C.O. 31, 7. p. 1.]

Oct. 27. **1099.** Journal of House of Representatives of New York. Resolved that a Bill be brought in to raise 1,800*l.* (as Oct. 23), to be levied on the real and personal estates of the freeholders and residents of this Colony.

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Committee appointed to consider a petition of the Mayor of the City of New York for leave to bring in a bill or bills upon several heads.

Resolved, that 1,300*l.* for paying 150 men, officers and incidents for 5 months, and 500*l.* for 30 out scouts, with their officers, to observe the enemies' motion, be levied *as above*, to be paid by March 25.

Resolved, that a clause be added that such person that shall lend any money upon the credit hereof, shall be allowed at the rate of 10*l.* per cent. per annum. Ordered that the Attorney General draw up the Bill immediately.

Resolved, that H.E. be desired to appoint a Serjeant at Arms. That part of H.E.'s Speech relating to the Public Accounts being under consideration, ordered that H.E. be desired to lay before the House the Accounts of the Revenue of the Colony, and the necessary and contingent charge of the Government since the arrival of Lord Bellomont.

Mr. D'Lancy was granted leave of absence.

Oct. 29.

Ordered, that Mr. Abraham Gouverneur attend this House on Tuesday next.

Message sent down that H.E. had appointed Edward Cole Serjeant at Arms.

H.E. is very desirous that the Accounts etc. should be enquired into, and will give the House etc. all books etc. that have come to his hands, in order to their so doing. He is very desirous that the House of Representatives will, by a Bill, arm fit persons with sufficient powers to examine into the debts of this Colony, and state of the Revenue.

Ordered that a Bill be prepared accordingly. *Printed.* [C.O. 5, 1185. pp. 5, 6.]

Oct. 27.

**1100.** Minutes of Council of Virginia. Various salaries etc. paid.

H.M. letter regarding assistance to be given to New York read. H.E. asked the advice of the Council as to when it would be most convenient to call an Assembly to consider it. They were of opinion, that there having been three Sessions of Assembly this summer, it will be too great a charge to have another called now; before writs can issue and elections be made, the season of the year will be so far advanced that it will be very inconvenient to have a meeting of Assembly, by reason of the frosts and cold weather which usually begins about that time; and if they met then, 'tis to be feared they would scarce be perswaded to stay from home in that cold season so long as to consider deliberately a matter of that consequence; so that it will be most for H.M. service and the ease of this country that the meeting of Assembly be put off till next spring. Ordered that an Assembly be called to meet, March 17.

Letter from Lord Cornbury, Albany, July 11, read, desiring that, in case of need, the frontiers of that Province may receive the assistance requisite from this Government. H.E. asked the advice of the Council what answer he should return. They

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recommend that he send a copy of what was formerly sent to Lt. Gov. Nanfan and a copy of what hath been now agreed in relation to H.M. letter.

Ordered that the Committee for Revisal of the Laws at their next meeting in November perfect what remains to be done therein, so as the same may be in a readiness to be laid before the Assembly, and that the members of the Committee attend accordingly.

Ordered that it be recommended to the said Committee to give directions that the Capitol be fitted up against April next for the reception of the General Court, and the several offices thereunto belonging, according to the direction of the Assembly.

Whereas several letters from England advise that a man of war may be speedily expected here to relieve H.M.S. *Southampton*, who is to convoy home what ships are in this country, Ordered that an embargo be laid on all ships bound for England until further order.

Letter from Thomas Tench, President of the Council of Maryland, read, giving an account of some Indians that had brought English goods into the Susquahanna Fort, and of a great mortality at New York.

H.E. communicated a letter from John Povey recommending John Thraile to have his place of Solicitor of the Virginia affairs, and asked if any of them had any objection against him ; if not, he would employ him as such.

Complaint against Capt. Danl. Lewis, of the *Sarah* galley, that, in his voyage from Barbados he had taken up some men of a wreck belonging to New York, and taken from them ten ounces of gold and a negro boy, referred to Mr. Benjamin Harrison.

Ordered that the Princess Sophia be inserted in the prayer for the Royal Family, in accordance with H.M. Order in Council.

Ordered that H.M. Proclamation against vice, prophaneness and immorality, March 26, 1702, be published in all public places, with an exhortation requiring all magistrates to put in force all penal laws of this country.

Petition of Accomack County referred.

Petition of Mrs. Mary Rider referred to the General Assembly.

Petition of George Norsworthy, Thomas Swan, and Daniell Sullivan referred.

Petition of Capt. Thomas Mountfort referred.

Petition of William Bolton referred.

Oct. 28. Warrants for collecting quit-rents etc. signed. [C.O. 5, 1409. pp. 261-265.]

Oct. 28. **1101.** Journal of Council of Trade and Plantations. Upon intimation from the Agents of Barbadoes that they cannot be ready to attend this afternoon, the hearing was deferred for a week. [C.O. 391, 15. p. 256; and 391, 96. No. 174.]

Oct. 28. **1102.** Minutes of Council of New Hampshire. Nov. 12 appointed for a Thanksgiving Day to Almighty God, for many blessings and favours bestowed upon this Province, first in

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preserving the sacred person of H.M. Queen Anne in maintaining so good a harmony between her and her allies, and in granting so great successe to their forces, both by sea and land, and also for so good a settlement in this Government lately made by H.E. Joseph Dudley, under the happy influence whereof we have a fair prospect of enjoying peace and quietness amongst us, and notwithstanding the war with France, to continue peace with the Indians, and in a peculiar manner to preserve our inhabitants in general from the contagious sicknesses that have been so fatal in the neighbouring provinces, in bringing to maturity a plentiful harvest of all sort of graine, and above all for the enjoyment of the Gospel and Gospel Ordinances. [C.O. 5, 789. pp. 113, 114.]

Oct. 28.  
Whitehall.

**1103.** Extract from Report of the Council of Trade and Plantations to the Queen upon the Woollen Manufactory. . . . Of late years great number of people are enticed over to your Majesty's Northern Colonies in America, and particularly those under Proprietary and Charter Governments, which persons while they were in England did contribute to the consumption of our woollen manufacture, but being entertained there, do with the rest of the inhabitants clothe themselves, children and servants with the woollen manufacture of the product of those countries. Divers manufacturers and workmen also are carried over upon specious pretences of a more easie livelihood in those parts. And in this manner those Proprietaries do not only cloath themselves with woollen goods, but furnish the same commodity to the more Southern Plantations, notwithstanding the prohibition in the Act of the 10th and 11th of his late Majesty, and by their application to this sort of trade, instead of confining themselves to the production of such commodities as are agreeable to the true design and intention of their settlements, they have improved their skill to such a degree, that we have been particularly informed by persons employed by us to make enquiries, that as good druggets are made in those countries as any in England, and sold there for 4s. and 4s. 6d. per yard that country money. To which we also crave leave to add, that those Plantations having several dying wares, either of their own product or in their neighbourhood, much cheaper than the same can be procured in England, they are able to afford those manufactures much cheaper than they can be sent thither from hence. . . . Since the Act which prohibits the wearing of several sorts of East India goods, great quantities thereof are now shipt off to your Majesty's Colonies in the West Indies, by which, and the manufacture of wooll carried on in those parts, the consumption of those goods usually sent thither is greatly obstructed, and the intended effect of that Act defeated thereby. . . . [The remainder of the report deals with the economics of the English Woollen Trade apart from its relation to America and the West Indies. Ed.] Signed, Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 412, 548. pp. 504-518.]

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Oct. 30.  
New  
Hampshire.

**1104.** Lt. Gov. Wm. Partridge to the Council of Trade and Plantations. *Refers to* public papers sent by Col. Dudley, and the universal satisfaction of the Province in H.M. appointment of him as Governor, especially in the last Treaty with the Indians, and the early fitting out of the Privateers, who have served our coast and done very great spoil upon the enemy. In the Governor's absence, I have suspended George Jeffrey, a Scotch trader, and who was appointed by H.M. one of the Council here, but his qualifications, as I humbly suppose, were unknown to your Lordships. He came here a Scotch Trader, and few of them, as is known to everybody here, ever got anything but by running their Scotch commodities. Some time after his coming hither he was convicted swearing falsely. And in a late case of the seizure of four bags of cotton-wooll seized by the Collector of this port for being brought in without any cocquett, expressly against the Act of Parliament, the Collector soon brought forward the tryal at the Inferior Court and recovered. The owner appealed, and we could not guess at whose instigation the owners should suppose to evade the Law, till myself and the Collector heard this Mr. Jeffrey busily and confidently saying to the Gentlemen of the Court, that it was justice to give judgment against the King in this case, and that he would stand by the claimers of the wool all the world over, upon which the jury cleared the wool. And [? *had*] not H.E. been here at that time, to order a new seizure and trial, that president had opened the door to all the false trade that such persons would have upon these heads. I shall as freely restore him upon your Lordships' commands as ever I suspended him. *Signed*, Wm. Partridge. *Endorsed*, Recd. 9th, Read Jan. 14, 1703. 2 pp. *Annexed*,

1104. i. Abstract of preceding.  $\frac{1}{4}$  p. [C.O. 5, 862. Nos. 132, 132.i.; and (without enclosure) 5, 910. pp. 354-356.]

Oct. 30.  
Whitehall.

**1105.** Journal of Council of Trade and Plantations. Letters from Capt. Bennet, Sept. 1 and 5 read, and notes taken in order to an answer.

Letters from Mr. Larkin, Aug. 19 and Sept. 5, read. Notes taken in order to writing to the Governor. [C.O. 391, 15. pp. 256, 257; and 391, 96. No. 174.]

Oct. 30.  
Cambridge.

**1106.** Minutes of Council of the Massachusetts Bay. Petition of John Marion, of Boston, Administrator of the Estate of Mary Veazie, of Boston, [See Cal. A. & W. I. 1701. No. 687] read. Ordered that the decree of William Stoughton, Judge of Probate, County of Suffolk, Dec. 26, 1700, whereby one moiety of the remaining personal estate of Samuel Veazie is assigned unto Mary Veazie, be affirmed. [C.O. 5, 789. pp. 463-465.]

Oct. 30.

**1107.** Journal of House of Representatives of New York. Resolved that Major Jackson acquaint the town of Hempstead that a public Free-School is designed to be erected, and to enquire of them what encouragement they will allow towards the same, within the bounds of that township.

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Committee of Grievances appointed.

Petition of Col. Bayard and Alderman Hutchins referred to that Committee.

Ordered that the Clerk write to Jacobus Cortlandt, Representative of New York, and Floris Crome, Representative of the County of Orange, that they attend the service of this House.

Petition complaining of the irregular erecting a Court of Chancery, the exorbitant fees of the officers and their arbitrary and unjust orders and decrees, referred to the Committee of Grievances.

Ordered, that candles be brought in.

Bill for levying 1,800*l.* for the defence of the Frontiers was read and referred to Committee.

Oct. 31.

The above Bill was amended.

Leave of absence granted to Mr. French and Mr. Hunt. [C.O. 5, 1185. pp. 6, 7.]

Oct. 31.

**1108.** Certificate of security being given for Edward Birch to be Deputy Governor of the Bahama Islands. *Signed*, R. Barker, Remembrancer. *Endorsed*, Reed. Read Nov. 6, 1702. *Inner Temple*.  $\frac{1}{2}$  *p.* [C.O. 5, 1261. No. 157; and 5, 1290. pp. 235, 236.]

Nov. 1.  
Bermuda.

**1109.** George Larkin to the Council of Trade and Plantations. Since my letter of Oct. 26, the Governour has at last vouchsafed to grant me his liberate, provided that I go abroad in six hours after my demanding a sight thereof. Early next morning after I had seen the liberate, which then lay in Mangrove Bay, which is the upper part of the country, and as soon as I had got everything in readiness to sail, I sent for the pilot to carry me without the rocks, but he refused to do it, alledging that he had orders from the Governour to the contrary, and afterwards declared that if he had done it, he would have sunck the vessell. On Oct. 29 the Governor sent the Marshall and took away two of the persons that I had hired to navigate the sloop, upon which I came ashore and disposed of her at 50*l.* loss, and must be now forced to go to Curacoa to get a passage to Jamaica, expecting the Governor's sending for me every minute into custody again until I do go. I humbly hope your Lordships will see me righted in this matter, and never suffer any Governor for the future to act after such a base arbitrary manner. *Signed*, Geo. Larkin. *Endorsed*, Reed. Feb. 8. Read March 2, 1702 (1703). *Holograph*. 1 *p.* [C.O. 37, 4. No. 12; and 38, 5. pp. 361, 362.]

Nov. 2.

**1110.** Journal of House of Representatives of New York. The Committee appointed to compute the quota of each City, County, Manor and Jurisdiction for raising the 1,800*l.*, presented their computation, which was considered. [City and County of New York, 405; King's County, 252; Queen's County, 270; Suffolk, 270; Richmond, 90; Westchester County, 144; City and County of Albany, 1[4]4; County of Ulster, 162; County of Orange, 45; Dutchess County, 18; = 1,800.]

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Petition of the Mayor and Aldermen also considered in Committee.

Nov. 3.

Resolved, upon above petition, that the City of New York have leave to prefer all, or so many of those Bills contained in their petition, with this provision in the Bill or Bills for the better establishment of the Ferry, that no fees be encreased, nor no person debarred of transporting their own goods or persons in their own boats.

Resolved that the 1,800*l.* be raised according to the Quotas proposed yesterday.

Mr. Abraham Gouverneur, according to order, attending, Mr. Speaker acquainted him that the House had directed him to demand of him how he, being an Alien, was qualified to sit as a Representative in General Assembly, to pass Laws on the subject? Mr. Gouverneur replied that true it was, he was of foreign birth, but in a former Assembly this matter coming to debate was referred to a Committee, and that Dr. Kerbyle and Mr. Bleeker having made oath that he was in the Colony at, before and after an Act passed in the time of Col. Thomas Dongan, for naturalizing of divers persons in this Colony, of foreign birth, the Attorney General, who was Speaker of the then General Assembly, delivered his opinion in the House in Mr. Gouverneur's favour, as also the Committee to whom it was referred, and that he was admitted to serve in the said Assembly accordingly. Ordered, that he produce a copy of the said Act. He said he had lent a copy of the said Act to a person who had never returned it, and prayed the House would order the Secretary to give him a copy of it, or if the Act could not be found by the Secretary in his Office, liberty for him, Mr. Gouverneur, to search for it, in order to produce a copy. Ordered accordingly, and that Mr. Gouverneur attend with the copy on Tuesday.

Ordered, that Candles be brought in.

Nov. 4.

Bill for raising 1,800*l.* etc. was read the second time and ordered to be engrossed.

Capt. Whitehead brought in a Bill, for destroying of wolves, which was read twice and ordered to be engrossed.

Petition of Edw. Burrough, complaining of the badness and difficulty of the high ways and roads between the town of Jamaica and the ferry of the City of New York, read and ordered to lie upon the table. Members given leave of absence.

Committee appointed to inspect the Laws of this Colony.  
Printed. [C.O. 5, 1185. pp. 7-9.]

Nov. 3.

**1111.** Minutes of Council of Barbados. Excise Bill passed, William Sharper and Patrick Mein dissenting, by reason they are of opinion that some parts of it are repugnant to the Acts of Trade and Navigation. [C.O. 31, 6. pp. 297, 298.]

Nov. 3.  
Cambridge.

**1112.** Minutes of Council of the Massachusetts Bay. Upon the petition of the Town of Sherborne, ordered that they be allowed to rate the 17 families inhabiting the north part of that town, claimed by the Town of Framingham, until the General

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Assembly make a final settlement of that difference. [C.O. 5, 789. p. 465.]

Nov. 3. **1113.** Council of Trade and Plantations to Lord Nottingham. Whitehall. Having understood that it has pleased H.M. to order a Publick Thanksgiving throughout England for the great successes of H.M. arms, and being informed of shipping ready for the Plantations, we put your Lordship in mind of those parts in order to H.M. direction for the like Thanksgiving in her several Colonies in America. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 324, 8. p. 187.]

Nov. 4. **1114.** Earl of Nottingham to the Council of Trade and Whitehall. Plantations. H.M. would have you send directions to the Governors of Plantations as *suggested in preceding*. *Signed*, Nottingham. *Endorsed*, Recd. 8th, Read Nov. 9, 1702. 1 p. [C.O. 323, 3. No. 141; and 324, 8. pp. 187, 188.]

Nov. 3. **1115.** Journal of Council of Trade and Plantations. Whitehall. Mr. Atwood, being lately arrived from New York, acquainted their Lordships with the occasion of his retiring from thence, vizt. that, having been suspended from his employments by the Lord Cornbury, and being informed that several private actions would be brought against him for what he had transacted in his offices of Judge and Counsellor, he thought it necessary to withdraw himself from those prosecutions; he was preparing to lay before the Board the Articles upon which the Lord Cornbury had suspended him, together with his answers; and was thereupon told by their Lordships that they could not properly enter into the consideration thereof, till they should receive letters from the Lord Cornbury, but that in the meantime he would do well to wait upon a Secretary of State to show his readiness to answer what may be objected against him.

Letter to the Earl of Nottingham written.

Mr. Penn desired their Lordships would please to report upon the Preference of his Petition, that Col. Hamilton may have a temporary approbation from H.M. to be Deputy Governor of Pennsylvania for one year only. He represented the necessity of it at present, because Hamilton is the person now in power there, and the impossibility he was under when he left the place to depute any other, because none else fit. Their Lordships resolved that (whatever report they shall make when they have further considered that matter) it be with a proviso that such approbation do not prejudice H.M. title to the Three Lower Counties, and acquainted him that in case of H.M. approbation he must provide security, as had been done for the Governors of Carolina, and of the Bahama Islands, which he accordingly promised. They also reminded him of the answer expected to the 4 Questions sent to him some months since, concerning which he said he had applied himself to the Lord Nottingham and would continue to do it.

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Nov. 4. Letter from the Agent of Barbadoes read. Ordered that the matter be considered on Wednesday and notice given accordingly.

Directions given for preparing a Representation upon Mr. Penn's petition.

Letter to the Governor of Virginia signed.

Act of Bermuda, to prevent oppression etc. considered. Directions given for preparing a Representation thereon. [C.O. 391, 15. pp. 257-261; and 391, 96. Nos. 175, 176.]

Nov. 4. **1116.** Jo. Bennett to the Council of Trade and Plantations.

*Reply to Mr. Larkin's charges against Governor Bennett. States case as supplied by Governor Bennett, passim. Signed, Jo. Bennett. Holograph. 4 closely written pp. Enclosed,*

1116. i. Copy of Memorandum of what happened at a Chancery Court, St. George's, Aug. 18, 1702. See *Minutes of Council of Bermuda under date*. Endorsed, Recd. Read Nov. 6, 1702. 3 pp. [C.O. 37, 4. Nos. 13, 13.i.; and 38, 5. pp. 312-321.]

Nov. 4. **1117.** Council of Trade and Plantations to Governor Nicholson.

Whitehall. We have writ you several letters upon particular occasions, which we understand have come safe to your hands, but something remains yet to be said in answer to those we have received from you the dates whereof are as follows, viz. three of the 2nd December last, one of the 25th February, another of the 21st March, and the last of the 29th July. Together with which we also received the several Papers therein referred to. You have a little mistaken the sense of what we ordered our Secretary to desire you to observe in the method of your correspondence. It is not seperate Journals of the proceedings of the Council and Assembly upon different matters that we desired. Those Journals are more usefull intire: and ought always to contain the dayly Proceedings of those Courts, whatever they may be, according to their dates: but we left it to your discretion to write seperate letters upon particular subjects whenever you found occasion: and we have always desired that your letters may in all matters of importance explain your sense in some measure without obliging us to seek into other Papers for the meaning of it. As for the contribution required from the Assembly of Virginia for the defence of New Yorke, and their proceedings thereupon in constituting an Agent here, to present their Address against it, and to sollicit an approbation of their conduct in that matter, we send you here inclosed a Copy of her Majesty's Order in Council of the 21st of May last, upon our representation of the 18th; by which you will perceive we have been far from countenancing that method. And her Majesty having been pleased thereupon to order us to prepare a Letter to you for her royal signature, we accordingly did it; and the same having been sent to you in June last by Colonel Quary, we refer you thereunto for the direction of your conduct in that affaire. We were sorry to observe the account that you give us of the ill state of the Militia

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in Virginia and having represented the same to her Majesty with our opinion for a supply of Arms, you will perceive the effect hereof by her Majesty's Letter to you of the 20th August last, countersigned by the Lord Treasurer, a copy whereof having been communicated to us, we herewith send it you, tho we hope you will have received the original before this come to your hands. Upon this subject of the Militia we will only further offer to your thoughts the example of a late Act in Maryland, by which all Masters are obliged to furnish their men-servants with a gun of 20 shillings value at the expiration of their time of servitude ; which seems to us one very good means to keep them armed and in a condition to defend themselves when there may be occasion. The exercising and rendezvousing the several Counties, so that they may best assist each other, being a matter that lies plain under your eye, we can only recommend and leave it to you. Your proposal that a sufficient Squadron of Men-of War may be sent to cruise upon the coasts of the Continent from the beginning of April to the end of October has also been laid before her Majesty. The Bill that was on foot the last Sessions of Parliament for reassuming the Proprietary Governments in America to the Crown did not pass for want of time. But you will do well at any time to furnish us with what authentic memorials and proofs you are able for the promoting of that service, when opportunity offers. We well approve of your proposal that all her Majesty's Governors on the Continent may have a Meeting to consult on matters for her Majesty's interest ; and tho' the Proprietary Governors be not excluded upon occasion, yet it may be so ordered that H.M.'s Governors may meet separately from the Proprietors and confer together. The Naval Officers' Accounts which you have sent us, notwithstanding the plain directions given you by our Order in our Secretary's letter of August 21st, 1700, are still very confused, the totals not added up, and many of them so writ that they cannot be added up ; nor scarce any of them fit to be bound up in books as we desired : so that they are of little use to us. We intreat you therefore to take better care that the respective Officers do observe those directions ; and to assist them therein, we send you here inclosed the copy of an account of Exportations received from Jamaica, which is very regular. The like method must also be observed in Importations expressing the quantities of each particular sort of goods according as you are directed by your instructions relating to Trade, and summing up the totals at the foot of each column. Since the revisal of the Laws proves so tedious a work, we desire you would in the meantime send us a compleat collection of those that are at present in force. And since you say one reason of the retardment of the Committee's Proceedings in that business, is for want of an Assistant, and that there is a general want in the country of persons fitly qualified for Officers, we think it ought to be so much the more your care to encourage the natives to apply themselves to the acquiring of the qualifications necessary. But if there be absolute need that an Attorney General or any other such considerable

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Officer be sent from hence, you must in the first place take care that competent provision be made for their support, and advise us of it. For it is not to be imagined that any men of learning and parts fit for such imployments will leave their native country without good assurance of such provision made for them in America. Upon consideration of what you write of the difficulty to get together a quorum of Counsellors and upon a letter from Mr. Burwell desiring because of his age and infirmities to be excused from that service, we proposed to H.M. that he may be excused, and that Mr. Philip Ludwell, Mr. William Basset and Mr. Henry Duke be put in to supply the present vacancies : all which having accordingly been done, we send you here inclosed the copies of H.M.'s Orders in Councill thereupon, dated the 14th of May last. The charitable disposition of the people towards the French Refugees is very commendable. And we have no objection against your conduct in the business of their settlement. We have communicated what you write about your conduct in proclaiming the Queen to the Secretaries' Office, and accordingly it has been published in the Gazette. The dispatch of the new seales intended for all H.M.'s Plantations will require some time. But since you have her Majesty's Warrant to make use the old one till further order there will be no inconvenience in it. We congratulate your recovery from your late sickness, and doubt not of the continuance of your care in all things committed to your charge. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *P.S.* The several addresses to H.M., which we received in your letter of July 29, have been transmitted to the Earl of Nottingham in order to be presented to H.M. [C.O. 5, 1360. pp. 320-326 ; and (rough draft) 5, 1335. pp. 36-46.]

Nov. 4.

**1118.** Agent of Barbados etc. to William Popple. The gentlemen who are petitioners, and the gentlemen who are concerned on the other side in opinion relating to the altering the clause in the Governor of Barbados's Instructions about Appeals, being mutually concern'd for the welfare of the Island, have had some discourse upon the subject, and hope to agree soe well as to give the Lords Commissioners of Trade and Plantations little trouble in that matter, and therefore pray that the hearing appointed for to-day may be deferr'd until Tuesday or Wednesday. *Signed*, Wm. Bridges, Richd. Bate. *Endorsed*, Recd. Read Nov. 4, 1702. 2 pp. [C.O. 28, 6. No. 86.]

Nov. 5.  
At the House  
of Capt.  
Thomas  
Jenour, St.  
Georges.

**1119.** Minutes of Council of Bermuda. Upon a motion of H.E. about Mr. Larkin's having by his contrivances effected the running away of Edward Jones from these Islands in the sloop *Shadow*, whereof Mr. Larkin cleared Master in the Custom House, when Jones was indebted to the Crown upon the publick accounts under several fines, and several causes in Chancery by Appeals from Verdicts at Common Law obtained against him unheard and undetermined, now H.E. moves that if Larkin

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be guilty of the aforesaid matters, then he be charged therewith, and dealt with according to Law and Justice; otherwise that he may depart these Islands. Several affidavits were sworn against him about Jones going away in the sloop *Shadow*, and about other matters, particularly Mr. Rawlins in his pocket-book [sic]. [C.O. 40, 2. p. 51.]

Nov. 5. **1120.** Minutes of Council of the Massachusetts Bay. 500*l.* Cambridge. issued to Thomas Brattle on account of the fortifications on Castle Island.  
500*l.* paid for the use of H.E.  
Ordered that the Treasurer provide 40 beds, blankets and sheets for the soldiers of the Castle.

Nov. 6. Lt. Col. Partridge presented an accompt of service and subsistence of himself and six soldiers with their horses for four days in assisting and covering the inhabitants of Deerfield, a Frontier, by H.E.'s command, whilst they were making up the line of their fortifications. 3*l.* paid him in full accompt. [C.O. 5, 789. pp. 466, 467.]

Nov. 5. **1121.** Journal of House of Representatives of New York. Engrossed Bill for raising 1,800*l.* was read a third time and sent up. Leave of absence granted to two Members. Printed. [C.O. 5, 1185. pp. 9, 10.]

Nov. 6. **1122.** Petty expenses of the Board of Trade, June 29—Nov. 2. 7*l.* 9*s.* 7*d.* 1 *p.* [C.O. 388, 75. No. 60; and 389, 36. pp. 149, 150.]

Nov. 6. **1123.** Account of Coal for the Board of Trade, 21*l.* 1*s.* 0*d.*  $\frac{1}{2}$  *p.* [C.O. 388, 75. No. 61.]

Nov. 6. **1124.** Account of postage for the Board of Trade, June 19—Oct. 2, 1702. 6*l.* 3*s.* 1*d.* 1 *p.* [C.O. 388, 75. No. 62.]

Nov. 6. **1125.** Account of Mr. Churchill, the Stationer, June 26—Sept. 29. [Dutch paper, Dutch pens, bags of sand, quills, ink etc.] 13*l.* 6*s.* 3*d.* 1 *p.* [C.O. 388, 75. No. 63.]

Nov. 6. **1126.** Council of Trade and Plantations to the Lord High Treasurer. Enclosing above accounts together with that rendered July 7. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 389, 36. pp. 151, 152.]

Nov. 6. **1127.** Journal of Council of Trade and Plantations. Letter from Mr. Bennet, the Councillor, read.  
Letter to the Lord High Treasurer, signed.  
Mr. Birch presented a certificate of his having given security for his observance of the Acts for Trade in the Bahama Islands, which was read. [C.O. 391, 96. pp. 262, 263; and 391, 15. No. 177.]

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Nov. 7.

**1128.** Order of the House of Lords, that the Council of Trade and Plantations do lay before this House in writing an account of the State of Trade of this Kingdom since the last Session of Parliament. *Signed*, Math. Johnson, Cler. Parliamentor. [C.O. 389, 18. p. 3.]

Nov. 7.

**1129.** Journal of House of Representatives of New York. H.E. gave his consent to the Bill for raising 1,800*l.*, and the House attended the publication thereof before the Court House.

Bill for the better settling the Militia read the first time. *Printed* by William Bradford. [C.O. 5, 1185. p. 10.]

Nov. 8.  
Boston.

**1130.** Governor Dudley to the Council of Trade and Plantations Enclosing the following. *Signed*, J. Dudley. *Endorsed*, Recd. Jan. 9, Read Jan. 13, 170 $\frac{2}{3}$ . 1 *p.* *Enclosed*,

1130. i. Address of Council and Representatives of New Hampshire to the Queen. Portsmouth, New England, July 21, 1702. We humbly assure your Majesty of our constant and steady obedience to your Majesty's Government under H.E. Joseph Dudley in all things. And whereas this small Province is very small, lying near and always exposed to the danger of the French and Indians, both in our frontiers to the sea and in a long and open tract of undefensible villages to the main-land, we most humbly beg that we may obtain your most Sacred Majesty's protection over us. *Endorsed*, Recd. Jan. 9, 170 $\frac{2}{3}$ .  $\frac{3}{4}$  *large p.*

1130. ii. Address of Governor, Council and Representatives of New Hampshire to the Queen. July 21, 1702. Loyal Address on death of King William and H.M. accession. *Same endorsement*.  $\frac{1}{2}$  *large p.*

1130. iii. Memorandum of three Acts of New Hampshire, 1702.  $\frac{1}{4}$  *p.*

1130. iv. Memorandum of Minutes of Council in Assembly of New Hampshire, Aug. 28, 1701—Sept. 9, 1702.  $\frac{1}{4}$  *p.*

1130. v. Memorandum of Minutes of Council of New Hampshire, Oct. 30, 1701—Oct. 8, 1702.  $\frac{1}{4}$  *p.* [C.O. 5, 862. Nos. 134, 134.i.—v. ; and 5, 910. pp. 349, 350.]

Nov. 8.

**1131.** Governor Dudley to the Earl of Nottingham. The *Dreadnought* convoy for the mast men has stayed till this date that I might acquaint your Lordship that all the provisions I had your Lordship's warrant for to be sent to Jamaica are in cask and most of them on board two ships I have hired, and two or three fayr days will dispatch all ready for the first fayr wind. I have two Captains are very diligent in raysing Volunteers for H.M. service in the West Indies in obedience to H.M. warrant ; one has got about 40 men with great difficulty, and I am hoping to proceed ; but I have yesterday a prisoner from Quebec that assures me he was present when the Governor of that place agreed with and dispatched 2 or 300 Indians, who I must expect every day upon the frontiers. However, I shall do my utmost,

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as is my duty; but it is insinuated amongst the people that they are only demanded to fill up the companies from England, and to be put on board Admiral Benboe, which I have assured them is a false information, and humbly pray your Lordship that, if they arrive in Jamaica, there may be orders to keep them intire companies, and that they may be kindly treated, being the first men that ever issued from this Province. *Signed, J. Dudley.*  
*Endorsed, R. Jan. 11, 1702. Copy. 2 pp. [C.O. 5, 863. No. 3.]*

Nov. 9. **1132.** George Larkin to the Council of Trade and Plantations.  
 Bermuda. Since I disposed of the sloop I purchased to carry me to Jamaica, an opportunity offered for my going in the sloop *Blessing*; I agreed with the Master for a passage, but he would not carry me without the Governor's tickquett. I went down to town on purpose, and drew an order which I sent by Dr. Starr to the Governor; his answer was that when anything came regularly from the Secretary, he should not be against signing it. Upon this I sent him with it to the Secretary, afterwards writ to him, and in the evening went to him myself. He told me the Governor would sign me a tickquett in the morning. Next morning I went to the Secretary again, he writt a tickquett and carryed it to the Governor, who put him off till 12 o'clock, and thereupon I writt to the Governor and he sent me an order for appearing before him and his Council next day. I gave my attendance accordingly from 9 till 1, and then the Secretary was sent to tell me that I must attend on Thursday, upon which I writ a second letter to the Governor. I attended again all that day, and they took the affidavits of some scandalous persons against me, but I was not admitted to hear what they swore, and as yet can learn very little of the matter, *etc.* The Governor and Council are angry with me because I have represented the hardships and oppressions some English gentlemen labour under here and they are afraid I should do the same to your Lordships, and therefore endeavour to extenuate their faults by casting all the dirt they can on me, and contrive to keep me here that their complaints may reach your hands first. Most of the English Gentlemen here, seeing me so basely and barbarously used, are much discouraged and declare they'll leave the Island. It's a misfortune for any Gentleman that comes here to be commissionated under the Great Seal of England, the Bermudians have a mighty antipathy against it. Never any Governor that come here since the Charter Government, or Gentleman was sent by the Crown, but was imprisoned before his departure.

Part of my charge is conteined in the Governor's warrant for my attendance. If they would have admitted me to examine witnesses, I could have proved that Mr. Jones several times petitioned to the Governor to have the accounts betwixt the Crown and him adjusted, and upon a fair account there was 23*l.* due to him. As to the fines, I could have proved that Jones was a prisoner near upon two months since my coming here, and was set at liberty; that I delivered a petition for Jones to the Governor to hear the causes depending against him; that he

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and his family were published in Church according to the custom of the country that he intended to depart in the *Shaddow*, that he was not underwritten nor any action entered against him, and that the Governor promised him when I was ready to sail he should have a tickquett, and sent Minors, the Secretary, to assure him of it afterwards, and declared he would give 20*l.* Jones was gone. I could, my Lords, have proved that the Governor and the Secretary were the contrivers of Jones' going off, in hopes to saddle me with a complaint to your Lordships, and not disoblige White, Walker, and Spofferth, of whom he stands more in fear than in offending H.M. They are Governors; Mr. Bennett is but an 0 amongst them; these persons and one or two more are perfect incendiaries, and unless your Lordships procure an order that they shall never be employed in any office, this country will never be quiet. I could have proved that I always declared and told Jones that unless he had the Governor's tickquett, he should not go in the *Shaddow*, or I would not, for that I would not do a thing contrary to the custom of the country, or in contempt of a Government; that when I was ready to sail, I sent for the pilot to carry me out, and he declared that he had orders from the Governor not to do it, and afterwards said, if he had done it, he would have run the sloop upon the rocks and sunk her, and the Governor afterwards sent and took away two of the men from the sloop, upon which I sold her to Mr. Holbeek for 50*l.* loss. As for Mr. Harvey's going off, I never knew anything of it, directly or indirectly, until Mr. Spofferth told me upon the road as I came down for a tickquett. The reason, as I since am informed, for his going off privately was, that he in Gov. Day's time was a Justice of the Peace, and one Thomas Smith being a prisoner for pretending to be owner of two or three shares of land, which his son Daniel Smith and two of the Griffens (who had been abroad with Every) had purchased with the money they had gotten by pyracy, Dickison, who is now a Justice of the Peace, comes to Mr. Harvey one Saturday and demands the benefit of the *Habeas Corpus* Act in behalf of Smith, and Mr. Harvey desired time to consider of it till Monday. Dickeson then came to him again, and Harvey told him, if he would bring another Justice, it should be done. This matter rested so till the Governor came, and since Smith has brought his action against Harvey and recovered 300*l.*, which is appealed.

They have examined one Henley, a Lieut. in Capt. Sands' Company, against me, who says that he heard me say to Col. Day that I opposed the Governor or Government, upon his account. This Henley is noted for a man that will swear anything. The words I said were that the Governor and Country were extream angry with me for taking his part, however, I did not think myself in the wrong, because he had once the honour to be Governor here, and I saw him very much oppressed. They have likewise taken the affidavits of a common strumpet and the hangman, that I desired leave of the Marshall the night I was imprisoned to go to the Governor, and carried with me the duplicate

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of the Commission and the King's letter to the Governor of Jamaica, and desired the Governor since he had imprisoned me to take care of them. The Governor sent them back again to me, and they say I swept them off the table and ordered them to be thrown out of dore; I valued no Commission that could not protect me from being imprisoned, when I had done nothing that was ill or to deserve it; whereas there were other papers, and I had given the duplicate and letter to Dr. Starr to take care of, and he delivered them to me after the Governor had given me his Liberate. I have desired copies of these affidavits, but he says he cannot let me have them, but is really ashamed to see such actions, and truly I cannot find that ever there has been a fair, just, honest thing transacted since Mr. Bennet came to this Government by him or his Council, but all tricks and villainy, and Mr. Bennett intends to keep me here until your Lordships send an order for my proceeding upon the service or return for England. I intend to take the oaths of my witnesses next week, and transmit them to your Lordships by the first opportunity.

When your Lordships send an order for my proceeding upon the service or my return, if the ship that's run upon the rocks shall be thought a perquisite of the Admiralty, if I am appointed a Commissioner. I shall do my Lord High Admiral all the service I can; this is a chargeable place, and I hope your Lordships will discharge me as soon as may be. *Signed*, Geo. Larkin.  
*Endorsed*, Recd. 1, Read April 20, 1703. 3 pp. *Enclosed*,

1132. i. Abstract of preceding. 1½ pp.

1132. ii. Copies of several papers relating to Mr. Larkin's desiring a ticket of the Governor of Bermuda for leave to depart. Nov. 1-3, 1702. *Endorsed as preceding*. 3 pp. [C.O. 37, 4. Nos. 14, 14.i., ii.; and (without enclosures) 38, 5. pp. 368-374.]

Nov. 9.  
Whitehall.

**1133.** Journal of Council of Trade and Plantations. Letter from the Earl of Nottingham [Nov. 4], directing a Thanksgiving to be observed in the Plantations, read. Circular Letters to the Governors ordered to be prepared accordingly.

Order of the House of Lords, Nov. 7, read. Directions given for preparing an account accordingly.

Ordered that the Addresses from Virginia, July 29, be sent to Mr. War to be laid before Lord Nottingham in order to their being presented to H.M.

Upon notice that a Council is to be held at St. James's on Wednesday in the evening, ordered that the hearing appointed for the business of Appeals in Barbadoes be put off till Wednesday next.

Mr. Jory's Memorial, that Col. Ward may be constituted Lieut. Governor of Nevis, being considered, their Lordships thought fit that Mr. Jory should make his first application to the Queen, it not being usual for this Board to represent their opinion upon matters of that kind, unless they be referred to them by H.M.

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Nov. 10. Upon consideration of the Petition of Sir John Fleet *etc.* relating to a ship impressed into their late Majesties' service in Jamaica, during the Government of the Earl of Inchiquin, Ordered that the Petitioners, when they call, be acquainted that the matter of their petition relating to money, it is not under the cognizance of this Board, but that they ought to apply themselves either to the Lord High Treasurer, or the Treasurer of the Navy, as they understand to be most proper.

Nov. 11. Representation upon the Bermuda *Act to prevent the Suppression [sic] of officers*, signed.

Representation upon Mr. Penn's Petition, signed.

Circular Letters to the Governors of Plantations, directing a Thanksgiving to be observed there, signed. Ordered, that one copy of the said letters to the Islands be sent by Mr. Dummer's Packet-boat, which is shortly to sail from Portsmouth, enclosing that for Bermuda under a cover to Barbadoes; and that one Copy likewise of the letters to the Continent be enclosed to Barbadoes, to be sent forward from thence by the first convenience.

Letter from Col. Dudley, relating to New Hampshire, July 23, read, and papers transmitted therewith laid before the Board.

Ordered that a Representation be prepared with the opinion of this Board that Col. Dudley may have H.M. permission to receive the present of the Assembly of New Hampshire.

Letter from Col. Dudley, Boston, Sept. 17, read, and papers therewith received laid before the Board. Directions given for preparing another Representation thereon. [C.O. 391, 15. pp. 263-270; and 391, 96. Nos. 178-180.]

Nov. 9. **1134.** Journal of House of Representatives of New York. The House adjourned till to-morrow.

Nov. 10. Upon the petitions of W. Hallett, T. Hicks *etc.* and Richard Smith, Resolved, that the setting up a Court of Equity in this Colony without consent of General Assembly is an innovation without president, inconvenient and contrary to the English Law; that the Court of Chancery, as lately erected and managed here, was and is unwarrantable, a great oppression to the subject, of pernicious example and consequence; that all proceedings, orders and decrees in the same, are, and of right ought to be declared null and void, and that a Bill be brought in according to these two Resolutions.

Bill for settling the Militia read a second time and committed.

The City and County of New York are granted leave to bring in a Bill to raise 50*l.* per annum for a Free School.

Mr. Gouverneur attending, was ordered to attend to-morrow.

In consideration of the great and extraordinary charge and expence H.E. the Lord Viscount Cornbury has been at in bringing over himself and a numerous family, after a long, tedious and dangerous voyage, and the travels, difficulties and hardships sustained since his arrival, occasioned not less by the present war than by the dangerous and mortal disease with which the City of New York has been lately most grievously afflicted,

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Resolved, *nemine contradicente*, that a Bill be brought in for raising 2,000*l.* to be presented to H.E.

Nov. 11.

Mr. Gouverneur, attending, produced the Copy of an Act of Assembly for naturalizing foreigners in this Colony. After some debate, he was called in again, and Mr. Speaker inquired of him if he had taken or subscribed the Oath of Allegiance required by that Act? He answered that he had taken the Oaths appointed by Act of Parliament instead of the Oath of Allegiance and Supremacy before Capt. John De Peyster, the then Mayor of New York. Asked if he could make it appear to this House that he had taken or subscribed the Oath of Allegiance before the same was abrogated by Act of Parliament, 1st William and Mary, he answered that he could not be positive, but believed he had. He was then ordered to withdraw, and, the question being put, whether it appeared to the House he hath qualified himself as a natural born subject, according to that Act of Assembly, it was carried in the negative, and Resolved, that Mr. Gouverneur is an Alien.

A motion being made and question put, Whether any Bills passed as Laws, when an Alien is Speaker, are binding to the subject? it passed in the negative. Resolved, that a Bill be brought in accordingly.

Bill, for preventing doubts and mistakes and for continuing process and judicial proceedings, sent down, was read three times, passed, and sent up.

Upon their petitions, Resolved that the imprisonment, arraignment, trial and condemnation of Col. Nicholas Bayard and Alderman John Hutchins was and is illegal, unjust, null and void, a most malitious wresting and abuse of Law and Justice, a high violation of natural right, of most dangerous consequence, and that whosoever hath been guilty of the same, ought to be prosecuted and punished as betrayers of the rights and liberties of the subjects in this Colony, and that a Bill be brought in to prevent the like prosecutions for the future.

Petition of Derrick Benson, relating to a ferry, referred.

Committee appointed to calculate the quotas for the 2,000*l.* ordered to be levied yesterday.

Petition of inhabitants of East Chester, Lower Yonkers, and Mile Square in the County of West Chester, read and ordered to lie on the table.

Memorial of Capt. John Tudor read and referred. *Printed.*  
[C.O. 5, 1185. pp. 11, 12.]

Nov. 10.  
Boston.

**1135.** Governor Dudley to the Council of Trade and Plantations. By advice of an intelligent person two days since arrived from Quebec, we are assured that there are 200 Indians of that part listed and clothed and armed coming down to joyn the Eastern Indians to fall upon our Eastern frontiers, whom I have therefore put into the best posture those poor settlements will bear, and shall have the fifth man in every part of this Province in readiness to march upon the first advice of the

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enemy's approach, and must yet expect damage by them, who are always in small parties scouting at great distances from each other in the several parts. I have in obedience to H.M. commands procured the bread and other provisions for Jamaica, which was ordered, and it is now shipping in two large ships, and the *Gospir* will be ready in a few days to sail with them, when there will be no ship of war left for the guard of our coasts here ; I am also using all methods to encourage two foot companies of volunteers as H.M. has commanded for the service in the West Indies, and hope to obtain them if this new motion of the Indians do not prevent me, but must observe to your Lordships that I have no assistance, but the contrary, from several Gentlemen of the Council here, who privately insinuate that they will be broke at their arrival at Jamaica, and disposed of otherwise then in entire companies. I shall also be at a great difficulty for arms and cloaths for them, and I have no direction what establishment to put them upon, but shall yet do my utmost to send them and hope H.M. orders will meet them there with all encouragement, being the first men that were ever sent out of the Province for the service of the Crown. I have a great difficulty with the Assembly to get money raised necessary to support any forces against the Indians, and any establishment for a Governor and other officers of the Civil List, my Lord Bellomont having satisfied himself in getting 3,000*l.* in these two Provinces for one year's service besides near as much at New York, and left no establishment for any officer, civil or military. I have from the Assembly their compliments and addresses of thanks for the sea-service before-mentioned, and the peace hitherto with the Indians, which was more than they expected, and depended wholly upon my personal knowledge of them and travail to Pemaquid to meet them, and that is all I have of them to support me, unless by your Lordships' favour I may obtain H.M. direction to be supported out of the Revenue of the Province where I am. The service I hope to do in raising of men is dayly obstructed by the young men running away to Road Island, but 60 miles distant from this place, where they are harboured, and that Province lying secure do's nothing toward the public charge. The Assembly here is yett setting, and I shall not fayle to urge them on the business of Pemaquid agreeable to the return of their own Committee sent to attend me thither in the summer, and humbly pray that a garrison may be sent thither to maintain it, the charge being so great, our establishment here being 20*d.* per diem, and not lately altered, because all wages are proportionable, no handicrafts man at less than 5*s.* a day. I hope for some winter conveyance for the issue of this Assembly, the *Dreadnought* and the sloop *Shirk* being now both bound away with the mast men and about other ships, which I have ordered to draw together to Piscatiqua, from whence they will sail I hope in three days. I humbly offer to your Lordships Col. Nathaniel Byfield for Judge of the Admiralty, and Mr Paul Dudley, barrister-at-law, for Attorney General, who are the fittest persons I can offer here, though there is no manner of salary for either of

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them. *Signed*, J. Dudley. *Endorsed*, Reed. 11, Read Jan. 13, 1702. *Holograph*. 4 pp. *Enclosed*,

1135. i. Abstract of preceding. 1 $\frac{1}{4}$  pp.

1135. ii. Return of the Committee of Council and Representatives of the Massachusetts Bay referring to the Fort at Pemaquid, Oct. 27, 1702. *Propose that*, the stones being already in place, the ground already trenched and the foundation probably still good, and lime to be had near and easy, the Assembly order that there be a sum of money granted to be paid in two years for the raising of the walls of the Fort, that H.M. be humbly addressed to put a garrison of 100 men under proper officers to secure the same for the future, the charge of its maintenance being so very great, and the other frontiers of the Province being so far extended, that puts the Province to almost an unsupportable charge in times of war with the French and Indians. *Signed*, J. Hawthern, in the name of the rest.

1135. iii. The Assembly of Rhode Island to Governor Dudley. In answer to your demands of the Militia of this Colony, we humbly offer that by our Charter granted by King Charles II, the sole power of the Militia is granted to us, as well as by her late Majesty, Queen Mary, Aug. 22, 1694. [See *Cal. A. & W. I.*, 1694.] We cannot but conceive it our duty boath with respect to H.M. service and our own peace and preservation in this time of war to endeavour to continue the Militia as formerly till we shall receive further orders from H.M. *Signed*, by order of the General Assembly, Newport, Nov. 17, 1702. Weston Clarke, Sec. *Endorsed*, Reed. Jan. 11, 1702. *Copy*. 2 pp. [C.O. 5, 862. Nos. 135, 135.i.-iii.; and 5, 910. pp. 340-348.]

Nov. 10.  
Barbados.

**1136.** President and Council of Barbados. We have per this conveyance transmitted to your Lordships the Minutes of Council, May 20—Aug. 5, as also a duplicate of those sent by H.M. sloop the *Otter*, which was unfortunately taken by a French privateer and carried into Martinique. Upon Sept. 1st. we sent downe a Flag of Truce to Martinique to know upon what terms the French would be with us about the Exchange of prisoners during the war. In answer thereto, they sent some proposals, a copy whereof with our answer we have enclosed, as also the deposition of one who met a squadron of French men of war convoying the Spanish gallions. Sept. 19. here arrived a small sloop from Curraco, who gave us the following intelligence. that Admirall Benbow with nine saile of men of war met Monsieur Du Case with his squadron between St. Martha and Carthagine where they had a running fight, but cannot tell who had the better, tho' it is judged Admirall Benbow had, the other being observed to make the best of his way from him.

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We must beg leave to lay before your Lordships the great charge we are at in fitting out vessels to keep our coasts clear, and secure our inward and outward bound ships. We have in less than three months expended above 4,000*l.*, and all is not able nor sufficient to clear us of the vast number of privateers come from Martinique and other the French Islands, so that, if we have not some good sailing vessels from home, it will be very detrimental to our trade. *Signed*, John Farmer, Presdt., Wm. Sharpe, Pat. Mein, Tob. Frere, David Ramsay, Rd. Scott, Ben. Cryer. *Endorsed*, Recd. 23, Read Jan. 26, 170 $\frac{2}{3}$ . 4 pp. *Enclosed*,

- 1136. i. Abstract of preceding. 1 *p.*
- 1136. ii. Certificate of Tho. Harrison, Oct. 20, 1702, that there has not been any clause depending in the Court of Chancery of Barbados since Nov. 29, 1699, wherein Thomas Hodges or any person for him hath been concerned. In the cause wherein he was complainant *v.* Thomas Horne, a decree for 2,000*l.* sterl. was passed against the defendant on that date. *Signed*, Tho. Harrison, *Cl. Canc.*  $\frac{3}{4}$  *p.*
- 1136. iii. Certificate that for 2 years and 10 months last past no action has been entered or depending by Thomas Hodges or Attorney in the Court of Common Pleas for the precincts of St. Michael's. Oct. 20, 1702. *Signed*, Arthur Slingesby, *Cl. Cur.* 1 *p.*
- 1136. iv. Certificate that for 2 years and six months last past no action was entered or depending in the Court of Common Pleas held for the precincts of Christ Church at the suit of Tho. Hodges. April 20, 1702. *Signed*, [? J.] Chase, *Cler. Cur.* 1 *p.*
- 1136. v. Similar Certificate as to the Court of Common Pleas for the precincts of St. Peter's. April 13, 1702. *Signed*, Wm. Burnet, *Cl. Cur.* 1 $\frac{1}{2}$  *pp.*
- 1136. vi. Similar certificate as to the Court of Common Pleas for the precincts of St. James and St. Thomas. *Same date and signature as preceding.* 1 $\frac{1}{2}$  *pp.*
- 1136. vii. Similar certificate as to the Court of Common Pleas for the precincts of Saint Andrews and St. Joseph's. *Same date and signature as preceding.* 1 $\frac{1}{2}$  *pp.*
- 1136. viii. Reply of Mr. Chilton, Attorney General of Barbados, to Mr. Hodges' complaints against him. *Signed*, E. Chilton. *Endorsed*, Recd. Jan. 23, 170 $\frac{2}{3}$ . 6 *closely written pp.* *Cf. Cal.* 1700, 1701.
- 1136. ix. Copy of Proposals made by the French to the President and Council of Barbados, with their answer thereunto. *Signed*, John Farmer, President. *Endorsed*, Recd. Jan. 23, 170 $\frac{2}{3}$ . *The proposals in French.* 3 *pp.* [See Minutes of Council of Barbados.]
- 1136. x. Copy of the Deposition of Dan. Watkins, Commander of the sloop *Hopewell*. Oct. 23, 1702. On July 17, in the latitude of 31 and 10, proceeding from Jamaica to Pennsilvania, in the *Phœnix* sloop, Deponent met

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with 30 French men of war, which carried from 82 to 36 guns, also 12 tenders, which were convoying 8 galloons from the Havanna to Cailes [? *Calais*]. One of the men of war fired a great gun at Deponent, and the Admiral Chatternan [*Chateaurenault*] asked what news was at Jamaica and how Admiral Benbow did. It was answered that it was Peace, that Admiral Benbow was very well, his men healthy, and that he had under his command 17 sail. The Admiral asked if they had any money on board the sloop. It was answered none. Then the Admiral took the sloop's clearance and endorsed his name, saying that he did it for the sloop to pass without being stopt, in case they met with any French or Spanish vessels. The Admiral asked for and was given one of Deponent's cards [*maps*] to keep them clear of Bermudos. *Signed*, Daniel Watkins. *Endorsed*, Recd. Jan. 23, 1702.  $1\frac{3}{4}$  pp.

1136. xi. Memorandum of Minutes of Council of Barbados, May 20—Aug. 5, 1702.  $\frac{1}{4}$  p.

1136. xii. Memorandum of Journal of Assembly of Barbados, Aug. 4—Oct. 13, 1702.  $\frac{1}{4}$  p.

1136. xiii. Memorandum of Naval Officer's List of Ships entered and cleared at Barbados, Dec. 25, 1701—March 24, 1702.  $\frac{1}{4}$  p.

1136. xiv. Memorandum of Naval Officer's List of Ships entered and cleared at Barbados, March 25—June 24, 1702.  $\frac{1}{4}$  p. [C.O. 28, 6. Nos. 87, 87.i.—xiv.; and (without enclosures) 29, 8. pp. 278—282.]

Nov. 10.  
Barbados.

**1137.** William Roberts to the Earl of Nottingham. The enclosed was left with me for conveyance by Capt. Summers, who sayled hence the 6th inst. for Jamaica, and behaved himself very brave to windward of this Island in defending his ship against a French privateer. Our Island is infested with French privateers, there being now fitted out of Marteneque 15 sayle, and more they are a-fitting. They have taken 17 sayle of vessels wch. were bound in and out of this Island, and are now a great plague to us, having but one man of war to defend our Island, and being here so long sayles but indifferently. Our Island have been at a great charge in fitting out two vessels of war, a sloop and a brigantien, in order to keep with the man of war to windward of the Island, to preserve the ships inward bound. This island wants 3 or 4 good frigotts to preserve the ships inward and outward bound. The French at Martineque are become very populous by the surrender of St. Christopher's and their deserting several other small islands adjacent, and who[me] have nothing to live on but by privateering, who must have inevitably sterved were it not for the taking so many of our ships. Your salt fish was sold at  $7\frac{1}{2}$  d. per lb. there, and beefe six to eight pounds per barrel. All this I know to be true myself being sent hence to Martineque a Flag of Truce for the exchange of prisoners. *Signed*, Wm. Roberts. *Addressed*. 1 p. *Enclosed*,

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1137. i. Robert Summers to the Earl of Nottingham. Nov. 5., Carlile Bay, Barbadoes. Soon after your Lordship's Instructions came to my hand for H.M. service, I satt saile. On the coast of Ireland we were chased per a French privateer, but after about an hour's dispute with him got clear. We were several times chased since, but not in much danger till the 3rd inst, about 7 a.m., at which time a privateer of the Governor of Martineco, who had five days before taken t[w]o ships of 10 guns each, belonging to Bristol and London, came up with us and fired a volley of small shot upon us. We gave her the like return, and maintained a fight with her for 8 hours, in which time she took a briganteen belonging to New England and bound to Barbadoes with us, who being of no force put herself under our protection, but we had the good fortune to retake her again, and put her in possession of her own men again, taking the French that had boarded her prisoners, who told us that the first shot we exchanged with them killed 7 of their men. During our engagement we so warmed her sides that she, finding no advantage at a distance, endeavoured to come on board us, but just as she ranged under one quarter, we rackt her quite through the hull, which so disabled her that she immediately left us, but in her retreat retook the briganteen, who by this time was fallen a great way astern, being a dull sailer. We had in this action 3 or 4 men wounded and two killed, one of which was son to Capt. Whetstone, Commander of H.M.S. *Canterbury*, who was a passenger on board us, our rigging and sails being all shattered extreamly, having above 150 shots through our ensigne, and every-thing else answerable. In this condition we came to anchor this morning here. I immediately delivered H.M. packet to the President, and hope in a short time to give your Lordship an account of the delivery of the other at Jamaica. *Signed*, Robt. Summers. *Addressed*. 1 p. [C.O. 28, 38. Nos. 3, 4.]

Nov. 10. 1138. John Farmer to the Earl of Nottingham. *Acknowledges* Barbados. *receipt of letters etc.* Our coast is much infested with French Privateers, fitted out of Martineque, who are strongly manned, and have taken above 20 of our merchantmen etc. as *letter from William Roberts above*. *Signed*, John Farmer, President. *Endorsed*, R. Jan. 22, 170 $\frac{2}{3}$ . 3 pp. [C.O. 28, 38. No. 5.]

Nov. 10. 1139. William Popple to Richard Warr. The Lords Commissioners for Trade and Plantations have ordered me to transmit unto you the inclosed Addresses [See March 21] to H.M. from Virginia and to desire you to lay the same before the Rt. Hon. the Earl of Nottingham, that they may be presented to H.M. as his Lordship shall think fit. *Signed*, Wm. Popple. 1 p. [C.O. 5, 1339. No. 8; and 5, 1360. p. 326.]

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**1140.** Minutes of Council of Barbados. Letter from Lord Nottingham, May 7, about Declaration of War, read. Also a letter from the same with a pacquet for Col. Codrington to be sent forward. Also H.M. most gracious Order of May 30, 1702, granting the duty of the  $4\frac{1}{2}$  per cent. to the repairing *etc.* of the fortifications.

Ordered that Capt. Alexander Forrister have a Commission to command a privateer, he giving security as the Law directs, the vessels taken up in the country's service being already manned, and gone out two cruises since, according to the Address of the General Assembly.

Petition of a French Master of the *Neptune* of Nants, brought in prize by Capt. Foljamb, H.M.S. *Kinsayl*, dismissed.

Petition of Charles Thomas that he might have leave to send Walter Rust in the Flag of Truce now going down to Martinique in order to recover some debts due to him there, granted.

Earl of Nottingham's pacquet to Col. Codrington was forwarded by Richard Cooran, an inhabitant of Antigua, with directions, if he met with an enemy and could not avoid being taken, to throw the pacquet into the sea, according to his Lordship's commands.

34*l.* 4*s.* 9*d.* paid to Dr. Claudius Hamilton for attendance on French prisoners.

Disbursements for necessaries for the Council Chamber made.

Ordered that the ships that are already loaden have leave to sail hence on Thursday next under convoy of H.M.S. *Kinsale* and brigantine *Lark*.

Ordered that the Flags of Truce with the French and Spanish Prisoners go in two days after the fleet is sayled hence, and those persons who go in them observe such Instructions as they shall receive from the President. [C.O. 31, 6. pp. 298-302.]

Nov. 11.  
Whitehall.

**1141.** Council of Trade and Plantations to the Queen. In obedience to your Majesty's commands signified to us by the Rt. Hon. Mr. Secretary Hedges upon the petition of William Penn that Col. Hamilton, appointed by him to be Deputy or Lieut.-Governor of Pennsylvania, may have your Majesty's Royal Approbation for the executing of that trust for one year only, we humbly report that we have lately represented to your Majesty that, having been informed that the said Hamilton had been a favourer of illegal trade with Scotland and other parts, we did not think it for your Majesty's service that he should receive your Royal approbation as Lieutenant-Governor of that Province, but your Majesty having now signified to us your gracious inclination to gratify Mr. Penn in his present request, and considering the absolute necessity which he alledges for a temporary approbation of the said Hamilton, we humbly offer that security be given to your Majesty in 2,000*l.* sterl. at the least by the said William Penn or other persons for the said Hamilton's duly observing the Acts of Trade *etc.* as is usually done for the Proprietary Governments, provided always that your Majesty's favour herein be not construed or extended in any manner to diminish or set aside your Majesty's right and title to the Three Lower Counties

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upon Delaware River adjoyning to Pensylvania. And we further humbly take this occasion to pray your Majesty's Order to Mr. Penn, that he be obliged to return a speedy answer in writing to the four queries delivered to him by us in May last, the same very much importing the good of the Trade and settlement of those and the neighbouring parts. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 5, 1290. pp. 237-239.]

Nov. 11. **1142.** Order of Queen in Council. Approving *above* St. James'. Representation, and declaring H.M. allowance of Andrew Hamilton to be Deputy Governor of Pensylvania and Territories thereunto annexed for one year only, provided that the usual security be first given *as proposed*; and provided also that Wm. Penn do forthwith return to H.M. Commissioners for Trade and Plantations a direct answer in writing to the Four Queries *referred to*, and do further declare under his hand that H.M. said allowance shall not be construed *as above*. The Lords Commissioners of Trade are to take care that good and sufficient security be given to H.M. as aforesaid. *Signed*, John Povey. *Endorsed*, Recd. 12, Read Nov. 21, 1702.  $2\frac{3}{4}$  pp. [C.O. 5, 1261. No. 158; and 5, 1290. pp. 239-243.]

Nov. 11. **1143.** Circular letter. Council of Trade and Plantations to Whitehall. the Lords Proprietors of Carolina. We inclose H.M. Proclamation directing a public thanksgiving throughout England for the great successes of H.M. arms by sea and land, and we do hereby signify to you H.M. pleasure that a Day of Publick Thanksgiving for those successes be likewise solemnized throughout all her Plantations in America. Your Lordships are therefore to give the necessary directions for Carolina. *Signed*, Ph. Meadows, Robt. Cecill, Wm. Blathwayt, John Pollexfen, Matt. Prior. [C.O. 5, 289. p. 110.]

Nov. 11. **1144.** Circular letter from the Council of Trade and Plantations to all the Governors in America. We send you here enclosed H.M. Proclamation *etc. as in preceding*. You are therefore to take care that a day be accordingly set apart for that purpose, as soon as conveniently may be, and that the same be observed throughout your Government with such solemnities as are suitable to so great an occasion. *Signed*, Robert Cecil, Philip Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 324, 8. pp. 188, 189.]

Nov. 11. **1145.** Minutes of Council of Bermuda. H.E. acquainted Mr. Larkin that there were several affidavits taken against him [Nov. 5], and that he was sent for about the same, in order to hear them read, the witnesses being ready at the door to be cross-examined if he had a mind to it, but he declined. H.E. then demanded to see the clearings which Mr. Larkin took out from the Custom House for the *Shadow* to Carolina, but he positively refused to produce the same, saying he would keep it for his

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justification in England. And whereas Mr. Larkin moved to this Board that he might take affidavits before two Justices, to confront the affidavits already taken against him, it was offered by this Board that this Board were ready to take what affidavits he was minded to take for his justification of himself. [C.O. 40, 2. pp. 51, 52.]

Nov. 12. **1146.** Minutes of Council of Maryland. Lord Nottingham's letter, May 7, with H.M. Declaration of War, read.

Letter of the Governor of Virginia, Oct. 5, read, desiring the President to send down the *Eagle* advice boat to Kiquotan to help the *Southampton* to careen. Ordered accordingly.

Capt. Bostock's letter, Nov. 5, read, expressing what streight he is in for want of victuals. Ordered, that upon his giving his bond to H.M. for repaying 100*l.*, George Plater, Receiver of Puttuxent District, pay him 100*l.* sterl. for the supply of H.M.S. *Eagle*.

Letter of the Governor of Virginia, Nov. 4, as to the embargo he had laid on the shipping of that Colony, hoping the ships for England might have benefit of convoy under H.M.S. *Southampton*.

The General Assembly was prorogued till Feb. 1.

Major Josiah Wilson, Sheriff of Prince George's County, representing that 136 taxables were by mistake not brought into this year, ordered that he collect the levy per poll from them.

Thomas Howell, Minister of Choptanek and Dorset County parishes, complained that Anthony LeCount, Hezekiah Mackey, and Robert Stewart, Vestrymen of Choptanek, had letted him in the enjoyment of his rights and priviledges, turning him out of the Vestry and taking the Records of the Vestry away violently. Mr. LeCount, appearing, said that by the new Act of Establishing Religion, the Minister had been suspended from one of the parishes, and further, that his habitation was in Choptank parish. But being told that he mistook the Act of Assembly, as not being retrospecient, they promise for the future to take care exactly to comply with their duty. The Board finding the said Vestry had not wherewith to justify their irregular proceedings against their Minister, what they alledged being altogether ignorance in the Law, yet upon promise of endeavouring what in them lies to comply with their duties in their stations, were remitted. But considering what great charge etc. they had put Mr. Howell to in coming several times over the Bay for his reasonable redress, ordered that the three Defendants pay him 1,800*lb.* of tobacco.

Representation of Gabriel D'Emilliane, Minister of Nangemy and Port Tobacco parishes in Charles County, that the aforesaid parishes were not able to give him competent subsistence, and that he and his family were in debt and starving, and himself too advanced in years and sickly to undertake the planting trade, and having received since his coming into this Province none of those helps promised in England to Ministers residing in small parishes, nor the advantage of two blacks granted to his glebe, which he was to have at his first coming into Nangemy parish,

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the bill which he had drawn upon the Rev. Dr. Bray for the purchasing the same being returned protested, and his parishioners of Nangemy having not complied with the building of an house, which they were, according to agreement, to have built for him at his first coming to the parish, *supplicates* that he may be translated to Christ Church parish in Calvert County, now vacant, where he is unanimously desired by all the Vestry and Parishioners. He knows that some are of opinion that he can do some considerable good amongst the Papists at Nangemy, having been formerly a Romanist himself, but he doth to his grief experience the contrary, for the priests of those places have so deeply put into their heads that they ought by no means under pain of mortal sin to enter into conference with an apostate, that he perceiveth they fly all from him. The Board being very sensible of Mr. D'Emilliane's good qualifications, and that the parishioners are very desirous to have him, ordered that a presentation to the parish of Christ Church be drawn for him.

The Hon. Col. John Hammond, Judge of the Vice Admiralty, took the oaths and subscribed the Test.

Ordered that the Naval Officers do not clear any ships until the 23rd inst., and that notice thereof be sent to the Governor of Virginia, that he may have the opportunity of sending by them his letters for England.

Nicholas Sporne's petition for the remittance of a fine under 10*l.* sterl., upon a quitam brought by Matthew Mochboy, granted, the account being spiteful and vexatious.

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Joseph Holt, Minister of William and Mary parish, in St. Mary's County, attended as ordered. But forasmuch as there was no accusation transmitted against him hither by the Justices of the said County, nor the Vestry of the Parish, tho' directed so to do, the Board could not proceed farther against him, but acquaint him that they are informed there is a bastard child laid to him by a woman that pretended to be his kinswoman, and further that he associated with another woman of ill-fame to the dis-honour of the Church and his profession, besides the advantage that will be taken by the enemies thereto, with the dissatisfaction and trouble given his parishioners by such ill actions. He answered that it was out of spite and malice that that impudent woman had charged him with the fact, and that she had uttered many threatening speeches against him and falsely accused him, which he did not question but in some time to make appear, and promised that for the future he would be more circumspect and avoid all just occasions of giving offence. Upon which the Board ordered him to return and execute his ministerial function, expecting the parishioners should cultivate all the good offices of mutual friendship, and that he should in three or four months transmit to this Board a Remonstrance or Testimonial signed by the Vestry and some others of the chief of his Parishioners confirming what he proposes.

Petition of William Nicholls', praying for a speedy trial of the *Sherburne*, read. Edward Randolph, H.M. Surveyor General, being present, says he had no ways delayed the said tryall for

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that he had twice taken his passage hither from Virginia, and was once drove on ground and another time out of the Capes, and had been forced to travel 200 miles before he got hither, but now is desirous that the President should appoint a time for the trial, but in case he cannot then be ready, by reason that his witnesses are absent, and the uncertainty of the wind and weather, his evidences being over the Bay, he hopes he shall not be surprised, but as for his part, he promises he will do what in him lies to come then to trial, nay sooner, if possible, the other partys consenting, that it may appear there is no delay on his part. [C.O. 5, 745. pp. 8-13.]

Nov. 12. **1147.** Minutes of Council of the Massachusetts Bay. H.E. Cambridge. adjourned the General Council till Nov. 19. [C.O. 5, 789. pp. 467, 468.]

Nov. 12. **1148.** Journal of House of Representatives of New York. Message from H.E. that he is directed by his Instructions to recommend to them the passing a Law for settling the value of Estates in goods or lands, under which they shall not be capable of serving as Jurors. Ordered, that Bill be brought in accordingly.

Memorial of Col. Heathcote read and ordered to lie on the table.

Petition of the inhabitants of New Rockel, in the County of West-Chester, read and ordered to lie on the table.

Nov. 13. Quotas for the 2,000*l.* agreed upon. [cf. Nov. 2.]

Bill declaring the illegality of the imprisonment, pretended tryal and condemnation of Col. Nicholas Bayard and Alderman John Hutchins, and for the prevention of the like proceedings for the future, was read the first time.

Nov. 14. The above Bill was read a second time and committed.

Memorial of William Sharpes, Post-Master of New York, read, setting forth that an Act for encouraging a Post Office, with sundry other Acts since made for continuing the same, were all expired by their own limitation, and praying that a Bill be brought in for continuing the same for such term of years as the House shall think fit. Ordered that a Bill be brought in accordingly.

Bill, to enable the Mayor, Aldermen and Commonalty of the City of New York to raise 50*l.* per annum for seven years towards maintaining a School Master in the said City, read a first time.

Address sent up to H.E. that the House be adjourned to the City of New York.

Upon consideration of a Message from the Council, the House resolved, that when H.E. shall be pleased to lay before this House any extraordinary expense he hath been or shall be at, relating to the Government, this House will take the same into due consideration. This resolve was sent up.

Message from H.E. that he had ordered a Proclamation to issue for adjourning the Assembly from Jamaica to the City of New York, on Monday next, and they are adjourned accordingly. *Printed.* [C.O. 5, 1185. pp. 12-14.]

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Nov. 13. **1149.** William Popple to the President and Council of Barbados. The Council of Trade and Plantations desire your care in forwarding enclosed packets by the first conveyance, to the Lt. Gov. of Bermuda, Governor of Massachusetts Bay, Governor of New York, Governor of Virginia and President and Council of Maryland. They have received your letters of Jan. 6 and 14, Feb. 19, and May 19, the subject of all which they have under consideration, and several directions have been given thereupon concerning which Sir Bevill Granville, who will shortly be ready to sail for Barbados, is fully instructed. [C.O. 29, 8. pp. 261, 262.]

Nov. 13. **1150.** William Popple to Lt. Gov. Bennet. *Refers to letters* from the Council of Trade and Plantations. Duplicates of which having been sent by different conveyances, tho' that of the 19th March was not come to your hands when you last writ, yet they cannot apprehend that any of them are totally miscarried. Your letters to Sept. 5, have all been laid before them. They have also received a letter from Mr. Larkin, Aug. 19, in pursuance of the directions they gave him at his departure to inform them of whatever he might think proper for their knowledge in all the several Governments of America through which he was to pass. They send you a copy with their notes upon it, that you may the more easily return distinct answers upon each head, and they expect the same. Upon a clause in your letter of April 28, they conceive the Members of H.M. Council in that Island ought to be Justices of the Peace, whereby they may be duly qualified to administer an oath; and as for any decrees in Chancery which you may esteem not so regular as they ought to have been, they think it may be of ill consequence to repeal them, and advise you to be very cautious therein. *Annexed,*

1150. i. Notes [*by the Council of Trade and Plantations*] upon Mr. Larkin's letter of Aug. 19, enclosed in above letter to Captain Bennett. (i.) You ought to have sent us copies of the Commissions you have granted, that it might be considered whether they are conformable to powers given you by your Commission and Instructions. (ii.) The orders about a distinguishing Jack were sent you Aug. 14, 1701, which you acknowledged Jan. 31. Those orders therefore ought to have been observed. (iii.) As to this Act, we observe by your letter, Aug. 28, that from the very first passing it, your sense of the design and consequences thereof was the same as what is now hinted to us by Mr. Larkin, and therefore, as we do also concur with you therein, we have represented the same to H.M., and offered our opinion that it be disallowed. (iv.) You should not encourage or admit Appeals against your predecessor for what done during his Government *virtute officii*, for which he is to be accountable to H.M. and lyable to be prosecuted in England, according to a late Act of Parliament. No Governor is divested of his character till he have waited

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on the Queen and given an account of his administration. (v.) In your letter to us of Jan. 12 last you tell us that there are about 600 slaves in the Islands, which upon a necessity you intend to arm with lances, but you do not give us any particular account of your disciplining and training of them. We desire therefore to be informed therein, and whether this has been formerly practised in the Bermuda Islands, and whether it be safe for those Islands. (vi.) What you writ upon this head, June 9, 1701, we referred to the Commissioners of Customs, and sent their answer Aug. 20, which you acknowledged Jan. 31. The same ought therefore to be observed. (vii.) The practice of taking out cockets, as here expressed, is very criminal if true. We therefore desire an account of it from you, and that you do take care as much as in you lies to hinder it. (viii.) Courts should be held at least four times a year. You ought to take all possible care for the speedy executing of Justice, and to hold Courts as frequently as may be necessary. (ix.) This seems irregular, if it be altogether new, it ought not to be done, but the custom and usage of the Island ought to be followed. (x.) We desire your opinion upon this proposal, and that in the meanwhile you take due care that H.M. be not defrauded in the collection of this duty. (xi.) There ought to be no juries in the Admiralty Court. [C.O. 38, 5. pp. 323-327.]

Nov. 13. **1151.** William Popple to Isaac Addington. *Acknowledging*  
Whitehall. receipt of letters. [C.O. 5, 910. p. 295.]

Nov. 13. **1152.** William Popple to Governor Dudley. *Acknowledging*  
Whitehall. letters received. The Council of Trade and Plantations are preparing a report to H.M. upon the matters relating to the Provinces under your Government etc. [C.O. 5, 910. p. 294.]

Nov. 13. **1153.** William Popple to Governor Codrington. The Council of Trade and Plantations have received yours of July 6, relating to the taking of St. Christopher's, in which they congratulate your success and will write to you themselves as any occasion of further moment offers. I take the liberty also to assure you that I do and shall always heartily rejoice at whatever contributes to your honour and happyness. [C.O. 153, 8. p. 126.]

[Nov. 13.] **1154.** Commodore Leake to the Council of Trade and Plantations. I am arrived here from Newfoundland, and here-with send answers to the heads of enquiry, with an account of the state of Fort William at St. John's, as to provisions and the payment of the soldiers, whom I found very much dissatisfied, not for any ill-treatment from their officers, but for being kept in that country soe long, and no hopes, as they believe, of their returning, and think it a hardship where everything is extravagant dear, to be oblidg'd to work upon the fortifications for only 6d. a

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day for it, and no care taken to send over their cloathing, which is much wanted, for there was only shirts and shooes sent over this year. Seven of them deserted with their arms, the night before I sailed from thence, but weather to Placentia or some other designe was not known. I have brought home prisoner, one David Cullin, a private sentinel, to be tried for mutiny. Capt. Powell, the late Governor and Lieut. Samuel Francis are his accusers. The latter I gave leave for six months, to come to England for the recovery of his health, and have posted Mr. Robert Latham in his room, till H.M. pleasure be known. I could make no progress about fixing the chaine for the security of St. John's Harbour, for there was no boomes to float it, nor doeth the country afford any, as the Governour inform'd me, so that all I could propose was by ordering a deck to be built upon a large pountoon, and one of the *Exeter's* cables to be put in her, with a sufficient purchas to haule it thwart the Harbour, with the mast and yards of a French prize to float it, which will be a very good security till the Chaine is fixt, if there be any trust to be reposed in the inhabitants, for by the charrector which was given me of them, they will sooner run into the woods to secure what they have, upon the approach of an enemy, then stay to defend it, and it's impossible the soldiers can defend the harbour and fort at one time. *Signed, J. Leake. Endorsed, Recd. Nov. 13, 1702. 2 pp. Enclosed,*

1154. i. Capt. John Leake's Answers to Heads of Enquiry relating to the trade and fishery of Newfoundland.

[See *Cal. A. & W.I.* 1700. No. 198. i.] As to rhinding of trees, which is constantly done, and is very prejudicial, inasmuch as it is the hopeful growing and straightest trees furnish the best rhind; the inhabitants might better provide themselves for any use either for their owne particular habitations, or any conveniency upon account of the fishery, if their industry would carry them far enough into the woods to employ their spare time of cutting board, which would be dureable, and, if assiduous, might in a great respect provide for the ships against their coming in, which would be a means to lessen their debts by trucking with them, for though the general pretence of ships pushing soe soon is for the first births, yet one year with another it is not less then two or three weeks that they are employed in fitting their rooms before they begin their fishing. The inhabitants have been oblidged to relinquish their pretention to several fishing rooms belonging to the ships in 1685 according to the Act of Parliament, but upon departure of ships, and before their arrival, have not failed upon any opportunity to encroach upon the same.

By-boat keepers have been brought over by ships under pretence of merchant freighters, and accordingly have been put into possession into ships' roome, and other ships oblidged to hire roome of the inhabitants, which was thought to be contrary to the Act, and by

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which it appears that the inhabitants are possesst of more room then generally they use, to the prejudice of the merchant-adventurers. The manning of the Fishing-boats according to the Act has been constantly enquired into by the Commanders of the Squadrons, but it must be a great deal of time (more then I had) to make such enquiries effectual, being dispers'd in so many harbours and coves. Upon complaint of such who do expunge, cut out, deface or alter the marks of any boats or train-fatts of any other persons, and convert them to their own use etc. are readily redrest. That paragraph of the Act for preserving of stages etc. seems to have been mistaken, in that the ships have left all such standing and thereby given opportunity for the same to be burnt and destroyed by the idle inhabitants and others, the which might be esilier preserved, in the opinion of some, if such long layers, short layers etc. were housed upon the same room, as also if instead of rhine and sodds, the several stages might be floored and covered with boards, the nails being but half drove, the same might be taken off and housed in the said roome, which boards so bought to supply the place of rhinds, might be made good by the next comer, and if not thus approved of, may be secured for the use of him that bought them, but the other way may be easily methodiz'd by being hous'd on the same room and made good by the next possessor, for part or whole, but so they be housed, by whomsoever it be, it will be a means to the saving of timber and putting the ships sooner to fishing. The fishing ships have too often engrossed more beech and flakes then have been necessary for their own use, with design of interest to themselves and prejudice to others, which might be the easier prevented if either penalty or fine were provided. For want of such provisions, by penalty or fine, the several Admirals of the Harbour are very negligent in deciding and giving determination, upon complaint and application made to them, which when prov'd should at least loose the boats roome given by the authority of the Act. The Admirals are often defective in not taking notice of several complaints made to them, some of which may be too litigious to attend, and prejudicial to their own affairs, and when determination given, the inhabitants and others making slight of their power, no penalty being authorized, which has been too often the effect of the Commander-in-Chief's determination on the same account. And as it is late ere the convoys arrived this year, so the market price was not settled till then, and arrogantly obstructed by the inhabitants, who was so far from complaining [sic] to pay their contracted debts at Bill price, which did not exceed 16 ryalls of quintill. insisted

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upon it as a hardship to put of their fish at less than 24 ryalls for payment of such debts, although former customs except last year regulate the price of fish as it was broke by Bill.

The throwing of ballast overboard to the prejudice of the Harbour has been lately more carefully observed then formerly, and penaltys and fines (though small) will deter those that act and encourage the Informer. The Commanders in Chief of the men of war have been very strict and exemplary in suppressing the irregularities of Publick Houses, notwithstanding their insolence, for 'tis too notorious that, perticular in St. John's, there is not a house that does not sell drink, and though the said Commanders in Chief have allotted the same to a certain number.

The Admirals of the Harbour are not determined whether ships from Ireland, Scotland, New England, or any part of the West Indies, not clearing according to order and custom from England, are capable of fishing here, which several have formerly and yet do to the dissatisfaction of yearly Adventurers.

The English fishermen are not inferior in the least to the French in the husbandry and curing of fish, but as the French have the advantage of their own salt, at much cheaper rate, so as 'tis weaker then the Lisborn and Spanish salt used by us, soe they use the more, and then fish weighs the heavier, and it's being weak does not easily burn it.

The sustenance received from the country is not worth mentioning more then the product of common kitchen gardens, nor is their furring considerable anywhere, as at Bonavist. New England trades with this country under the notion of making their money starling, to remit their debts to England that way, and this they do with great advantage upon the yearly Adventurers from Old England, though their provisions are not so good, yet as they are cheaper, the inhabitants will rather deal with them. The Commodities brought in here from Newfoundland are bread, pease, flower, pork, little beef, onions, apples, pine boards and shingle, sheep, rum, malasses, shuger and tobacco, these four in great quantities, and as these people are very prone to drink, it causes unspeakable debaucherys, attended with thefts and idleness, and makes them ill servants and enslav'd by being kept always in debt. In the last war and during Peace, the ships that came from the several parts of Europe brought wines and brandy, salt, oyle, linnins, bacon, cork; and what not taken of by the country, the New England traders are ready to truck for, which has been very notorious, ever since the Act came into force. I don't find any English ships has been lately talken of for carrying hence any counterband

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goods, brought by New England people. I can't see how the Inhabitants can be put on a footing to fish with neer the advantage of the ships or by-boats, not only as they are entirely supplied at least by the 2nd hand (viz. the shippes) with provisions, crafts, salt, cloathing etc. imprimis because that the fishing seasons, which is this country harvest, does last but little above four months, and the rest of the year does not pay for their provisions ; 2ndly, that so much idle time debauch their servants, who drink out their next year's wages, and seldom fail to work accordingly ; 3rdly, the inhabitants are run mightily into building of suttling houses, gardens and meadows for their cows, adding store-houses to their rooms to receive the remainder of this country cargo, and as few or any can themselves occupy all the fishing room they have taken possession, the which they let out to boatkeepers or latter ships, who thereby become their tenants. By what is said 'tis presumed that the intent of the\* Act means no other encouragement then for the promoting the fishery, and the reasons here alledged diverts them from the true prosecution of the same, who do not themselves attend the fishery in respect to the diligence of the by-boatkeepers, added to the ill-management of their servants debauch't as aforementioned, seems impossible that they can afford their fish at the same rate ; the by-boatkeeper employing himself wholly on the fishing account and generally in partnership, there's seldom or never any diligence wanting, either in catching or curing it, and if they are oblidged to stay the winter, and they can fish no longer, they beforehand provide themselves with sufficient timber etc. of kinds, to be the very first boats that begin the fishery, and 'tis too remarkable in the inhabitants that the fishing ships from England begin before them.

The fishing ships and by-boatkeepers they bring over, having the advantage and choice of good men, which they accordingly encourage by good wages and shares of the fish, which engages their industry for their own interest, they feed them with plenty of good bread, and as they are industrious give them more or less salt flesh, which they mix with their fresh fish, which is their daily food.

No considerable quantity of train oyle (hardly any) is carried to any other part then England, merchantable fish is carried to market by the ships, some by the New England vessels, but it is generally refuse that they load for the West Indies. Some sack ships with discretionary orders, if they can't provide themselves with merchantable fish, or don't find the market for their turn, truck provisions for refuse fish, and put for the West Indies with the rest. 'Tis too often that Masters of ships, homeward as well

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as outward bound, do discharge many of their men to save their passage, which with many that the inhabitants do discharge at the same rate are either carried by the New England people in great numbers, besides many others that are considerably in debt escape by that means to the prejudice of their creditors, who often leave them small stocks to subsist on. The two last years several hundreds were carryed off, even by such as had faithfully promised the contrary to the Commander in Chief. By the whole actions of the New England Traders there, a particular cheque is required over them during the absence of the men of war, and thereby exact account of their proceedings may be given, the best expedient that's to be found at present is oblidging them by bond (which I have don) to be answerable hereafter, if any informations against them, and if for the future 'tis thought convenient that if they continue their trade in this country, measures something like this must be provided, empowering the Admiral of every harbour to search their cargoes, and how to behave themselves therein, as well as to bring them under terms for their good behaviour, all which to be timely returned that the Commander in Chief for the time being may take cognizance thereof.

The Merchant Adventurers from England complain of their liberty of trading here, as a discouragement to them, or any others, that supply this country, being oblidged themselves to comply with the particulars of the Act, to make themselves lawful fishers, that they should themselves supply the country with what is of English growth, and for malassus, which is the only wholesome brewing for this country, or for any other commodity, lawfully supply'd from other parts, might also be brought upon English bottoms. New England is in such want of people that they don't seem desirous to attempt any fishery here, contenting themselves in what they can forestall this market as the distance is nearer and that they can afford it cheaper by the difference of exchange.

I could make no particular enquiry either into the furring or fishing of the French at Placentia and those parts ; their fishing ships get sooner to them, and so part, but this year our ships of war being so late on the coast prevents them ; by report their fishery is very considerable to the Northward, and their greatest ships frequent it ; that they have no inhabitants to trade with, and consequently are wholly employed on the fishery. What regulations are made relating for the encouragement of the inhabitants at or near Placentia, the directions of the whole are in the French King's Lieut., and the Beech distributed by measure by the Admiral of the Harbour, according to the boats kept

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by the ships and inhabitants. *Signed*, J. Leake. *Endorsed*, Reed. from the Commodore, Read Nov. 13, 1702. 10 pp.

1154. ii. Abstract of Commodore Leake's Account of the Fishery of Newfoundland, 1702. 1 *large p.* *Same endorsement.*

1154. iii. Abstract of above. Fishing ships, 16. Sack ships, 25. Burden of fishing ships, 1330 tons. Number of men belonging to the said ships, 411. Fishing ships'-boats, 35. By-boats, 9. Inhabitants' Boats, 371. By-boatmen, Masters 11, Servants 81. Quantity of fish made by fishing ships 8,100, by inhabitants and by-boats 74,040= 82,140cwt. Quantity of fish carried to market, 56,590cwt. Quantity of Train made by fishing ships 175, by inhabitants and by-boats 1,290=1,465hds. Number of stages, 266. Number of inhabitants, men 259, women 208, children 441, servants 1,494= 2,402. 1 p.

1154. iv. Commodore Leake to [? *the Council of Trade and Plantations*]. I have made enquiry into the complaint transmitted against Mr. Thurston, Agent, for transacting for the Foot Company in Newfoundland, and find by the answers made by Mr. Thurston to the past account sent by Capt. Graydon something so intricate to what any officer here can give any light into, that I cannot send you a more perfect account then what was received last year, when the officers that had transacted that affair was upon the spot, nor did I find upon my asking the question at the head of the Company any claim or demand here for arrears of subsistence, but what had been satisfied before my arrival out of the money overplus of subsistence, left in Lieut. Loyds hands last year, as doth appear by the annext acct., and as to the provisions, it was complied with according to the account stated, by which Capt. Powell appears to have victualled the Company much longer then the time the provisions was to last, and the men fully satisfied in what relates to that affair, and for the provisions sent over this year, I have likewise sent you the account of remains by survey, Sept. 18, 1702. *Signed*, J. Leake. 1 p. *Annexed*,

1154. v. Accounts of provisions and subsistence of the Company of Foot at Newfoundland, Sept. 1, 1701—Sept. 30, 1702. *Same endorsement.* 7 pp.

1154. vi. Copy of Muster-roll of the Company of Foot at Newfoundland, Sept. 1, 1701—Sept. 1, 1702. 91 officers and men. *Signed*, (Capt.) M. Richards, S. Francis, Tho. Lloyd (Lieuts.). *Same endorsement.* 1 p. [C.O. 194, 2. Nos. 82.i.-vi.; and (without enclosures iv.-vi.) 195, 3. pp. 109-123.]

Nov. 13. 1155. William Popple to Lt. Governor Beckford. Acknowledges Whitehall letters. The Lords Commissioners of Trade and Plantations

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are very well pleased with all your advices, and if the Governor in Chief intended for that Island do not shortly sail they will not fail to give you such answers and directions as they shall find necessary. [C.O. 138, 10. p. 368.]

Nov. 13. **1156.** Journal of Council of Trade and Plantations. Ordered that the Secretary write to the Post Master General about the postage of the Circular letters to the Plantations etc.

Mr. Larkin's letter Aug. 19 considered. Copy ordered to be sent to Governor Bennet, with notes for his answer.

Ordered that the Secretary do by letters from himself to the respective Governors acknowledge the receipt of all Letters that remain unanswered till the Board may more fully answer to such letters, and that he continue the like practice hereafter as occasions require.

Letter and enclosures from Capt. Leake laid before the Board. [C.O. 391, 15. pp. 270-273; and 391, 96. No. 181.]

Nov. 14. **1157.** Order of Queen in Council, upon Representation of St. James's. Nov. 11, repealing an Act of Bermuda *to prevent oppression etc.* Signed, William Blathwayt. Endorsed, Recd. Read Nov. 24, 1702.  $1\frac{3}{4}$  pp. [C.O. 37, 4. No. 16; and 38, 5. pp. 327, 328.]

Nov. 14. **1158.** Wm. Popple to Sir Robert Cotton and Sir Tho. Frankland, Post-Master General. The enclosed packets from the Council of Trade and Plantations having been sent to the Post Office on Tuesday last, in order to the sending them forwards by Mr. Dummer's Advice-boat from Portsmouth, according to the advertisement in the Gazette of the 9th inst., but the Officer then attending having refused to receive them without payment of postage, amounting as he said to about 30s. or thereabouts, their Lordships have commanded me to return the said packets to you, acquainting you that there being no money in my hands for defraying the incidental charges of this office, they desire you would please to direct an account to be kept of these, as has been hitherto done of other letters they have received, that the same may be laid before the Lord High Treasurer, for the reimbursement thereof, as has been done formerly; and that you would at present take care that these packets (which are of much importance to H.M. service) be despatched without fail by the said Advice-boat. [C.O. 324, 8. pp. 189, 190.]

Nov. 14. **1159.** Sir Bartholomew Gracedieu to William Popple. London. Yesterday I had advice from Jamaica that Sir Thomas Muddiford died Aug. 1st. Recommends Capt. Thomas Hudson, of Jamaica, merchant, for the vacancy in Council. He is a Gentleman that hath lived in Jamaica about 30 years, well acquainted with the affairs of the Island, a gentleman of a good estate, a great trader and very loyal to H.M. Signed, Bartho. Gracedieu. Endorsed, Recd. Nov. 16, 1702.  $\frac{3}{4}$  p. [C.O. 137, 5. No. 86.]

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 Nov. 14. **1160.** Minutes of Council of the Massachusetts Bay.  
 Cambridge. 284*l.* 9*s.* 10*d.* paid to Capt. Elisha Hutchinson for the wages of the officers and soldiers of the garrison of H.M. Castle, Jan. 18, —July 6, 1701.

Ordered that the Lieut. Governor, Captain of H.M. Castle, have the subsisting of the Garrison at the Castle upon the same terms as is now agreed for with the Lieutenant of the Castle, and that provision be forthwith made for dressing of the victuals for the garrison, that it may be dealt out to them in proper messes, and that they have variety of provision. This order to commence on Jan. 1st next.

H.E. declared that, according to the direction of the Charter for the Probate of Wills etc. he should proceed to the execution thereof in the County of Suffolk, and that he is ready to attend that service, and asked the advice of the Council thereupon. [C.O. 5, 789. p. 468.]

Nov. 16. **1161.** Benjamin Way to the Council of Trade and Plantations, on behalf of James Bannister, of Jamaica. Prays that he be reinstated in the Council of Jamaica. *Memorandum inscribed [? by Mr. Popple]:*—Capt. Bannister was left out of the Council not being able to attend that business or to stir abroad by reason he has been long afflicted with the gout. *Endorsed,* Recd. Nov. 16, Read Dec. 10, 1702. 1 *p.* [C.O. 137, 5. No. 88.]

Nov. 16. **1162.** John Usher to the Council of Trade and Plantations. London. In obedience to your Lordships' commands, Aug. 12, I gave in a Memorial as to Government of New Hampshire for William Vaughan to answer. Vaughan having put in an answer, doe humbly offer:—As to the disorders, implicit acknowledgment, but for excuse, it was occasioned by myself. I am ready to prove the fact charged and vindicate myself. As to my Lord Bellamont's having orders to hear the charge, I gave the charge in writing to my Lord and was ready to prove it, but nothing more I heard of it. It's true they presented my Lords with 500*l.* For the charge against Wm. Partridge; answered, the charge is frivolous; if entering on the Government without being qualified as the Act of Wm. 7 and 8 requires, be a matter frivolous, leave to your Lordships' consideration. Those in the present Government, such as are for promoting and countenanceing the illegal Acts of Trade etc. The charges above and those in the information, I am ready to prove; desire for H.M. service a day may be appointed for Wm. Vaughan to appear at your Lordships' board and answer to the same, when and where I shall readily attend. *Signed,* John Usher. *Endorsed,* Recd. Read Dec. 9, 1702. *Addressed.* *Holograph.* 1 *p.* [C.O. 5, 862. No. 136.]

Nov. 16. **1163.** Sir Bartholomew Gracedieu to William Popple. I forgot to add [Nov. 14] that Capt. Hudson is one of the Gentlemen that pays H.M. money to her Forces in Jamaica, by which he is very serviceable. *Signed,* Bartho. Gracedieu.  $\frac{1}{2}$  *p.* [C.O. 137, 5. No. 87.]

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[Nov. 16.] **1164.** Everard Cater to the Council of Trade and Plantations.

A Memorial offered on the two Petitions referred to the Board, July 9, concerning Appeals from Barbadoes. The liberty of Appeal was not restrained in Barbados till 1680, and then 100*l.* was the sum limited. In 1689 the sum to be appealed for was raised to 500*l.* Most of the suits in that Island concern trade and traffic and are of a less value than 500*l.*, so that the much greater part of the people are debarred from relief by H.M. against any wrong. By Magna Carta it is promised that Justice shall not be denied to any, but by this Instruction it seems to be denied to all that are not rich enough to have suits of 500*l.* value. Writs of Error, which are Appeals at Common Law, are allowed from the greatest and most learned Judges of the Law for very small sums ; it has been the wisdom of all good Governments to allow Appeals, to keep Inferior Courts in awe, and to rectify any mistakes they may commit. It cannot be supposed there is less need of this in Barbados. The much greater number of judgments given in that Island, on which Appeals were brought, have been reversed in England, which plainly shews that it is possible for them to mistake in a point of Law, and it would be very severe if such a mistake must be final, tho' a whole family may be ruined by it. If more Appeals have not been from thence, it may be because they were restrained by the said Instructions. The Lords of the Privy Council who made the Report had sat on many Plantation Appeals, and were thereby much better able to judge of the necessity there was to allow them. The effects the said Instruction may have on the Acts for Trade and Navigation deserve to be considered. The appointing of any certain sum under which Appeals may not be allowed would produce many greater inconveniences than are intended to be prevented by it. If a Bill be exhibited in Barbados to discover an estate or a trust, or or fa house, land, or other thing, the certain value of which is not known, and a plea or demurrer should be put in and either allowed or overruled, and the person aggrieved appeal, it may often be almost impossible to know whether such case be within the Instruction. This may occasion many tedious complaints in England, where Appeals may be denied in such cases, to which the person complained of must answer, tho' there be no security given to reimburse their costs, or any other means for them to recover it. After a year's time perhaps spent on such complaint, they may obtain leave to come over again to England with an Appeal. Such Complaints are more tedious, vexatious, and chargeable than Appeals in form. A certain settled and sufficient damage on all frivolous and ill-grounded Appeals (besides costs) would prevent all such inconveniences, and effectually discourage all vexatious Appeals, and yet give every person that may be really oppressed an opportunity of being relieved by H.M. on an Appeal. If the damages are sufficient, poor men will not lose, but get very well by being brought over wrongfully on an Appeal, and will have reason rather to wish for than to fear it. No execution being stayed in the Island on an Appeal, is a great discouragement to vexatious Appeals.

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The limitation of 14 days to Appeal in is an unnecessary deviation from the Law of England, by which writs of error, which are Appeals at Common Law, are not limited to any time. If it should be thought reasonable to limit the time in the Plantations, yet that time is too short. In many cases it is impossible to appeal in that time. A man may die in that time without a will and administration may not be granted within 14 days, and consequently no person will be intituled to demand an Appeal. A will may be made, and the Executor may not be in the Island, or may take time to enquire into the estate of the deceased, and consider whether he will undertake the trust. By the Law of the Island, a suit may be originally commenced [*against*] a person absent in England or elsewhere, by a summons left on his land, or at his last dwelling house, and judgment final may be given on it, if he do not appear to plead in a certain time, against which he can have no remedy, unless an Appeal were demanded in 14 days, which is impossible. Remedy has been denied in England in cases where appeals were not demanded in due time. An absent person may leave an Attorney to manage a suit for him, but if such Attorney die, no person will be intituled to demand an Appeal in the 14 days. This exposes many persons, especially such as are in England, to great and unnecessary perils in their estates and interests, and many persons of the greatest interest there do usually reside here. The Instruction directs Appeals to be made within 14 days after sentence pronounced, whereas it is frequently impossible to know what a judgment or decree is, till the first be entered of Record, and the last signed and inroled, and it frequently happens that this is not done in 14 days. In England Writs of Error and Appeals are not brought till judgments be entered and decrees signed and inrolled.

In 1684 the first Instruction was given that security should be taken on an Appeal, as well to answer the condemnation as the damages and costs. Which security to answer the condemnation seems to be a great hardship, when the person that gives it stays no execution thereby, so that at the same time his body, lands and goods may be taken over and above such security. The charge of Appeals in all cases being very near the same, a certain sum might be appointed for which security might be given on all Appeals, as it is in the House of Lords at this time. One part of the Instruction concerning Appeals from the Inferior Courts to the Superior Court of that Island appointing that such Appeals should not be for less than 300*l.*, is, by the confession of those who oppose Petitioners, not consistent with the Law of that Island, and for that reason is not practised there. *Signed*, Everard Cater, Agent to the Petitioners. *Endorsed*, Recd. Read Nov. 16, 1702. 2 closely written pp. [C.O. 28, 6. No. 88.]

Nov. 16. 1165. Journal of Council of Trade and Plantations. Ordered  
Whitehall. that copies be taken of the Newfoundland muster-rolls, and the  
originals sent to the Commissary General.

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A Memorial from Mr. Everard Cater laid before the Board. Hearing ordered on Saturday, and that Cater be required to give the names of the Petitioners for whom he acts, and that Mr. Bridges have notice to give in an answer to the said Memorial in writing, besides what he may otherwise think fit to offer upon that subject.

Ordered that the Secretary write to Mr. Burchet to desire that when Capt. Leake, Commodore of the last Newfoundland Squadron comes to town, he may call upon this Board, to give their Lordships information in what relates to H.M. service in those parts.

Ordered that the duplicates of the letters lately writ to the Plantations be sent to the Post Master of Deal, to be forwarded by him as opportunitys offer.

Report to the House of Lords, upon the Order of 7th inst., considered.

Nov. 17. Above Report further considered.

Nov. 18. Letter from the Earl of Nottingham, Nov. 17, read.

Report to the House of Lords relating to the state of the Trade of this Kingdom since the last session of Parliament, signed, and sent to the Earl of Nottingham to be laid before H.M. for her pleasure upon it. [C.O. 391, 15. pp. 273-277 ; and 391, 16. Nos. 182-184.]

Nov. 16. **1166.** Journal of House of Representatives of New York. H.E. adjourned the House till Tuesday.

Nov. 17. Bill to enable the City of New York to raise 50*l.* etc. for an English Free School, read a second time and committed.

Message from H.E. read and referred to the Committee on the Militia Bill. This Bill was read and amendments agreed to.

Nov. 18. Committee on the Bill for declaring the illegality of the imprisonment etc. of Bayard and Hutchins etc. reported that they had made some progress and sent for some persons to attend them ; that Jacobus Vander Spiegel, Arien Hooglandt, Leendert Huygen and Coenraet Ten Eck had appeared, but behaved themselves with much insolency and ill manners ; that Martin Clock had attended in the Lobby, but departed without leave, so that the Committee could have no satisfactory account from them. It was resolved that Vander Spiegel, Hooglandt and Clock were guilty of contempt of this House, but not Huygen and Tyn Eck. Ordered that the two latter attend the Committee on Friday, and the three former be taken into custody. [C.O. 5, 1185. pp. 14, 15.]

Nov. 17. **1167.** William Popple to Sir Robert Cotton, Sir Tho. Frankland, Post Master General. The enclosed packets for the Post Master of Deal, and containing duplicates of the letters sent you the 14th inst. to be forwarded by him, with the first opportunities to the Plantations ; they [*the Council of Trade and Plantations*] desire you would order the charge thereof, as of other letters, to be placed to the account of postage for this office, and that this packett be carefully sent forwards as directed. [C.O. 324, 8. p. 191.]

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Nov. 17. **1168.** William Popple to Bevis Hill, Postmaster at Deal. Whitehall. The Council of Trade and Plantations observing by one of your late lists, that there are several ships bound for the Plantations now in the Downs, desire your care in sending forwards the enclosed packets, taking receipts and giving me an account thereof. [C.O. 324, 8. p. 190.]

Nov. 17. **1169.** Earl of Nottingham to the Council of Trade and Plantations. The Queen commands me to acquaint you that shee has appointed the Earl of Peterborow to be Governor of Jamaica, that in case you shall think it necessary to make any additional Instructions to what you have already presented in Councel, you may lay the same before H.M. *Signed*, Nottingham. *Memorandum inscribed*: The Earl of Peterborow did not go. *Endorsed*, Recd. Read Nov. 18, 1702. 1 p. [C.O. 137, 5. No. 90; and 138, 10. p. 369.]

Nov. 17. **1170.** Gilbert Heathcote to the Council of Trade and St. Swithin's Plantations. *Recommending* Edmund Edlyn for the Council of Lane. Jamaica. He is a considerable Planter, a man of good sense, a good fortune and sober. *Signed*, Gilbert Heathcote. *Endorsed*, Recd. Nov. 16, Read Dec. 10, 1702.  $\frac{3}{4}$  p. [C.O. 137, 5. No. 89.]

Nov. 18. **1171.** Council of Trade and Plantations to the House of Lords. Representation upon the State of Trade, in reply to Order of Nov. 7. *q.v.* *A summary of matters relating to the Plantations as Calendared. and other matters.* *The Report is set out in House of Lords MSS., New Series, Vol. v. No. 1829.* [C.O. 389, 18. pp. 3-24.]

Nov. 18. **1172.** Minutes of Council of the Massachusetts Bay. A Cambridge. certificate being produced of the approbation of the major part of the Justices and the Selectmen of Boston, that Samuel Barret of said place be permitted to erect a building 15ft. x 12ft. x 21ft. in addition to the front end of his dwelling house, now standing between the dwelling-house of Bartholomew Cheever, decd., and the Creek next to the Mill Bridge in Boston. said building to be of timber, with a flat roof, and to cripple over part of the said old house now standing, licence granted accordingly.

Nov. 19. Nathaniel Thomas and John Appleton were appointed of the Committee upon the accompts of John Usher, heretofore Treasurer of the Territory of New England, in the room of Peter Sergeant and John Walley.

H.E. nominated Samuel Lynde to be a Justice of the Peace, and Isaac Addington Judge of Probate, and Paul Dudley Register of Wills, within the County of Suffolk. The Council assented.

H.E. acquainted the Council that he intended very speedily to go to Piscataqua and the Eastern Parts of this Province to speak again with the Indians, to endeavour to continue them in peace, and proposed that some of the Gentlemen of the Council would accompany him. [C.O. 5, 789. pp. 469, 470.]

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**1173.** William Popple to Mr. Wharton. The Lords Commissioners for Trade and Plantations have perused the petition of Sir Mathew Dudley *etc.* and expect a draught of the Charter desired to be laid before them. [C.O. 5, 910. p. 301.]

[Nov. 19.] **1174.** Governor Blakiston to the Commissioners to the Lord High Admiral. The Rt. Hon. the Lords Commissioners of the Admiral were pleased to ask me of what use the small man-of-war was of that attended the Government of Maryland. I acquainted their Lordships that the Commissioners of H.M. Customs had formerly applied for a vessel to be there to protect the Acts of Trade and Navigation, which had been much violated in those parts, and that I did conceive it very necessary that some vessel should be there in order to the security of those Acts ; but I am humbly of opinion a way might be consented to save H.M. at least 1,500*l.* per annum, and with as much security to that Trade. The *Eagle*, that is now there attending, is allowed by the establishment 50 men, which is a charge above 2,000*l.* per annum. I propose that a sloop be either built or brought in that Province, and may be fitted with all necessaries for 250*l.* at most ; that the Commander be a person understanding in the Acts of Trade ; that the vessel be manned with only 6 or 7 men and the Commander, which will come within 300*l.* per annum. A sloop will be of more use than a man-of-war by reason she is small, and can run into any of those creeks and coves where sculking traders have frequented. A man-of-war must be laid up in the Fretches from the beginning of June till the latter end of Sept., by reason of the severe biting of the worm ; a sloop, by careening her once or twice in that season will secure her, and that is easily done for a charge of 4*l.* or 5*l.* A man-of-war, if often careened, may do the same, but then the charge is much more, and no conveniences are to be had there ; and if the worm should enter the bottom of a man-of-war, she is of much greater value to H.M. to repair her, besides the risque she runs, if eaten by the worm in coming home in being sunk ; which I doubt was the fate of the last vessel that attended there, H.M. advice-boat, *Messenger*, Capt. Peter Coode, who was lost in coming from Maryland, and never heard of. This sloop may have on board her 3 or 4 guns, which may be had in that Government, belonging to H.M. It may be objected that a sloop of so few men may not be of force to reduce those that should make any resistance ; but the Master and the vessel being H.M.'s, and having H.M.'s colours will be sufficient authority to deter any from making any opposition ; but if any vessel should make any resistance, there is always a man-of-war lying in Virginia, which will be aiding, for such a vessel must return the way she came, through the Capes, and so be intercepted. The monthly pay of the Master need not be more than is usually given there, which I take to be about three or four pounds per month at most : being he will be intituled to a third part of goods or vessels that shall be made prize of. *Signed*, N. Blakiston. *Endorsed*, Recd. Read Nov. 19, 1702. 2*1*/<sub>2</sub> pp. [C.O. 5, 725. No. 64 ; and 5, 726. pp. 137-139.]

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Nov. 19. Whitehall.

**1175.** Journal of Council of Trade and Plantations. Order of Council, Aug. 6, upon the petition of Sir Mathew Dudley etc. Ordered that they lay before their Lordships a draught of such a Charter as they desire.

Report upon Col. Dudley's letter, Sept. 17, relating to Rhode Island, considered.

Nov. 20.

Nov. 21.

Draught of above Report agreed upon.

Order of Council, Nov. 11, approving Col. Hamilton, read. Secretary thereupon ordered to write to Mr. Penn that their Lordships observing he lyes under several previous obligations, to desire him to comply therewith, that they may proceed to a speedy dispach of what is to be done by them upon the said order.

An Act of St. Xtopher's, June 18, 1701, *for the settling and strengthening the English part of that Island*, was laid before the Board, and Mr. Attorney General's Report upon it, read. Some progress made in considering the said Act, and their Lordships resolved to go through with it at their next meeting.

Letter from Mr. Cater (Nov. 20), read. He, with Mr. Hodges and Mr. Hawkins attending in behalf of the Petitioners relating to appeals in Barbadoes, and Mr. Bridges, Agent of Barbadoes, with Sir Thomas Powys and Mr. Dodd, attending on the other side, the Order of Council, July 9 etc. read. The Council for Petitioners referring themselves to their Memorials, Sir T. Powys observed that there had been two petitions about this matter, the first of which was only signed by three persons, one of whom was Mr. Hawkins, and the second but by 15, some whereof were not concerned in trade to that Island, nor had any interest there (which was not denied by the other side) and he said it was strange that if the Island had received any prejudice by the Instruction in question, there should not have come some complaints against it directly from thence; he said the Appeals from the Inferior Court in that Island to the Governor and Council, tho' limited by the Instruction to 300*l.*, yet in the practice of those Courts are allowed for any sum whatsoever (which the complainants also allowed to be true), so that no man is prejudiced by that Instruction. As to the limitation of Appeals from thence to England, to 500*l.*, and the security to be given for costs etc., he said there are none of the Plantations but have some regulations of this kind, and that it is reasonable sufficient security should be given, because the charges of appeals brought hither, cannot but be very high; as for the limitation of time to fourteen days, wherein Appeals are to be made, he supposed there is no necessity of drawing up such appeals in form within that time, but only that the party do declare that he will appoint (as is the practice here in all civil cases) after which the Appeal might be prepared in form at more leisure. And he observed that the inconveniences pretended by the Memorial to be consequences of that limitation, are all in imaginary cases, not likely to happen; but that it would be much more inconvenient, if the party obtaining a sentence in his favour in any suit there, should be left six months

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or any considerable time in suspense, whether his right will be controverted or not. He concluded that before any alteration be made in the Instruction, it seems altogether fit that the Governor and Council and other principal Planters and Merchants in Barbadoes, should be required to report their opinion, whether any considerable inconvenience has followed upon the Instruction as it now stands, and whether they judge it may be for the good of the Island to alter it. Mr. Dod further opened and explained the same heads. The petitioners, he said, were not inhabitants of the Island, and some of them had the [? *no*] interest there, nor were concerned so much as in the Trade. The allowing Appeals from the Governor and Council to England without limitation, he said, was the most fatal and pernicious thing that could be done to poor men, or those of small estates, because they are not able, when they have gained their causes there (tho' they be never so just) to be at the charge of coming over hither and defending themselves upon the Appeals that may be brought against them by the rich ; the limitation of time also for Appeals, he said, was most expedient, and shewed the inconvenience that would follow if an inhabitant of any other remote Plantation gaining a cause there, should be kept any considerable time in suspense, whether an Appeal would be brought against him or no. And he concluded that no alteration be made till some account be received from the Island of their sense of the matter. Mr. Hodges afterwards observed that the order of reference to this Board is not whether any alteration shall be made in the Instructions or no, but for what lesser sums it shall be made, and for what longer time than now directed. He repeated other things that he had formerly offered, and added that it is not important to consider who the petitioners are, but said that some of them have good estates in the Island. Mr. Hawkins argued that there is no limitation of sums here for writs of error, and that tho' Appeals there may not strictly fall under the same consideration as writs of error, yet that the limitation of appeals to the sum of 500*l.* is too high. He said also that there may be many cases relating to freehold estates, wherein the value of the estate cannot be known, and so neither can it be determined whether Appeals in those cases are within the limitation of the Instruction or not. As to the time of appealing, he said that there ought at least to be some distinctions, according to the circumstances of parties and provisoes for saving the right of persons absent, infants, lunaticks, femme couverts etc. ; as for security for costs he proposed that the sum should be ascertained, and not left to the arbitrary pleasure of a Governor. To all which Sir T. Powys and Mr. Dodd made brief replies, to the same effect as they had before offered, and insisted that the sentence [*of*] the inhabitants of the Island may be known before any determination be made. [C.O. 391, 15. pp. 277-286 ; and 391, 96. Nos. 185-187.]

Nov. 19. **1176.** Journal of House of Representatives of New York. Act for settling the Militia read a third time, passed and sent up.

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Bill, for encouragement of an English School in the City of New York, was read with amendments, and ordered to be engrossed. Read a third time and sent up.

A Bill for repealing several Acts of Assembly and declaring other Ordinances published as Acts of Assembly to be void, was read the first and second times, and committed.

Jacobus Collet attending, was ordered to attend the Committee to-morrow.

A Bill for the better support and maintenance of the Poor in the City of New York was read the first and second times and ordered to be engrossed.

Nov. 20. Amendments to the Bill for repealing several Acts of Assembly *etc.* read and agreed to.

Bill for the better support of the poor *etc.* read a third time and sent up.

Bill, to enable the Mayor, Aldermen and Commonalty of the City of New York for the time being to raise money upon the Freeholders and Inhabitants thereof for defraying the public and necessary charges annually, read the first time.

Petition of John Bibon read and referred to a Committee.

Bill for continuing the Act for encouraging a Post Office for  $4\frac{1}{2}$  years from April, 1700, was read the first time.

Bill for granting unto H.M. 2,000*l.* was read the first time.

Petition of William Bradford, complaining of the smallness of his salary, read and ordered to lie upon the table.

Nov. 21. Bill for repealing Acts of Assembly, read the third time and sent up.

Committee upon John Bibon's petition reported that several houses near the stockades of Albany were ordered by Commissioners appointed by Capt. Leysler to be pulled down, among which they believe petitioner's house may be one, but know not what became of the materials of any of those houses, and desired time to enquire further. The House agreed.

Bill, for granting H.M. 2,000*l.* for the uses mentioned, read a second time.

Bill for encouraging a Post Office read the second time and committed.

Bill to enable the Mayor *etc.* of New York to raise money *etc.* was read the second time, and committed.

Bill to enable the City of New York to supply the vacancy of such elective Magistrates and other public officers as may die, remove or otherwise be incapacitated to serve before the time of the annual election was read the first and second time and ordered to be engrossed. [C.O. 5, 1185. pp. 15, 16.]

Nov. 20. 1177. Copy of the Privy Seal for the Establishment of the Westminster Commission of Trade. *Countersigned*, Geo. Piers. *Endorsed*, Recd. Nov. 21, 1702. 3 pp. [C.O. 388, 75. No. 64; and 389, 36. pp. 153-157.]

Nov. 20. 1178. John Farmer to [? the Earl of Nottingham]. I am Barbados. honor'd with your Lordship's letter of Sept. 3, with the print

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therein inclosed relating to the better correspondence between England and H.M. West India Plantations, and shall take all possible care to dispatch the vessels within the time appointed, and upon extraordinary occasions shall take all due care to follow your Lordship's orders in your other letter of the former date, relating to the immediate dispatching away of expresses. I have also received your Lordship's Letter of Oct. 7, and am very heartily concerned for the ill success our Fleets met with at Cadiz; I hope they will meet with better in the West Indies. And I do assure your Lordship, as it is my duty, so shall it be my constant endeavours, to give all the assistance to that expedition that's possible, and shall take the best care I can that no intelligence thereof be carried to any of H.M. enemies. *Signed*, John Farmer, Presdt. *Endorsed*, R. Feb. 6, 1702. 2 pp. [C.O. 28, 38. No. 6.]

Nov. 20.

**1179.** Mr. Cater to Mr. Popple "att his Office att ye Cockpitt by Whitehall." I am concerned as Agent for the Petitioners who signed the several petitions relating to the Appeals from Barbadoes. The Memorial [Nov. 16] was drawn by the advice of their Counsell etc. *Signed*, Everard Cater. *Endorsed*, Recd. Read Nov. 21, 1702. *Addressed*.  $\frac{1}{2}$  p. [C.O. 28, 6. No. 89.]

Nov. 21.  
Cambridge.

**1180.** Minutes of Council of the Massachusetts Bay. Proclamation ordered for a General Thanksgiving throughout this Province upon Thursday, Dec. 10, for the preservation of the sacred person of Her Most Excellent Majesty Queen Anne; for continuing the happy Union between H.M. her allies and confederates and prospering her arms the year past; for Her Majesty's most gracious settlement of this Province under Her Royal Protection and the present administration of the Government etc. [C.O. 5, 789. p. 470.]

Nov. 23. **1181.** Capt. Richards to the Council of Trade and Plantations. Fort William, St. John's, Newfoundland. In the particulars of the Company I am much to seek in what was before my time, and in general cannot understand the accounts, in respect to which my letter [? Nov. 30] was in the hurry occasioned by the short stay of the convoy, and the great dependence we have of them while they stay. Upon their departure I found one of my soldiers of the 11 that deserted on board H.M.S. *Mountague*, and believe that the rest was concealed in like manner, for I am almost assured that they are not arrived at Plasentia. Altho' I have already acquainted your Lordships of the causes of the companies being dissatisfied, [see Nov. 30], yet if I have omitted to inform of the good order in compliance to the forwarding the works, by the ould Company, upon the arrival of the officers that was recalled this year, I have been very omission, only because I would not give further trouble for what is past, since 'tis the past, irregular proceedings, which began as violently as ended to discourage what was in hand, and with the help of a licentious part of the recruite that was sent us, to drive the rest into such disorder that will require a marshall discipline

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upon the spott, which our late Commodore had not instructions for. The eldest lieutenant that is returned upon the account of his health, has resigned his pretensions of eldest lieutenant to Mr. Lloyd and to Mr. Latham, who is posted as second. *Proposes that*, as the Laws of England can be but poorly distributed here, care be taken in the choice of officers to be sent hither, that they may give example, there being a long vacancy without repeal if any injuries are committed. We have neither sword nor belt in the Company, and our cartouch-boxes are in the same condition. The inhabitants, that used to have plenty of arms, though of different calibre, are in greater want than I could believe, and as we can make out 200 spare arms, if your Lordships think fit to solicite for as many cartouch-boxes for 'em, here are able hands enough to make use of 'em, when they are once penned in. *Signed, M. Richards. Endorsed, Recd. Jan. 11, Read March 18, 1703. Holograph. Addressed. 1 $\frac{3}{4}$  pp. [C.O. 194, 2. No. 85; and 195, 3. pp. 188-190.]*

Nov. 23. **1182.** Journal of House of Representatives of New York. Bill to enable the City of New York to supply vacancies etc. read a third time and sent up.

Amendments to the Bill for encouraging a Post-office agreed to.

Amendments to the Bill enabling the Mayor of New York etc. to raise money etc. agreed to.

The Committee on the Act declaring the illegality of the imprisonment of Col. Bayard *etc.* reported that they are of opinion that Capt. Nanfan, Dr. Samuel Staats, Francis Wessels, Peter Rose, Martin Clock and Jacob van Gesen ought to be inerited in the said Bill and sent for before the Committee to know what they have to object against it. The House agreed.

Resolved that H.E. be moved to add 15*l.* per annum to the salary of William Bradford.

Amendments to Bill for granting H.M. 2,000*l.* agreed to.

Nov. 24. Committee upon the Act declaring the illegality of the imprisonment of Col. Bayard *etc.* reported that by reason of the necessary conclusion of the Assembly in few days, and the necessity of having several persons, some of which are absent, and therefore proposed that further consideration of this matter (being of great importance) may be referred, and that this House in the mean time humbly Address H.M. on the subject. The House agreed, and ordered an Address to be drawn accordingly.

Message sent down from H.E. that he ought not to pass the Bill for encouraging a Free School otherwise than is directed by his Instructions, and recommending the Representatives to amend it accordingly. The Representatives suggested that the Council should either reject or amend it and send it down for their consideration.

Nov. 25. Bills for encouraging a Post Office; for granting 2,000*l.* and enabling New York to raise money etc. read the third time and sent up.

Petition of John Hutchins, praying the Grand Jury may be called before the bar of this House and examined upon the

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allegation of the petition, read. It is the opinion of this House that the Petitioner ought to address H.E. to commissionate and empower fit persons for the ends proposed by that Petition, relating to the Appeal.

Bill for regulating slaves read the first and second times and committed.

Bill for encouraging an English Free School sent down, amended. The House desired a conference with the Council, which was agreed to.

Bill against forging, counterfeiting and clipping of foreign coyn, which is current money in the Colony of New York, was read the first and second time and committed.

An Address to H.M. was read and agreed to.

Bill, for appointing and enabling Commissioners to take, state and examine the accounts of the Revenue of this Colony, and the necessary and contingent charge of the Government, read the first time, and amended. The amendments were agreed to.

Amendments to the Bill for regulating slaves agreed to.

Bill, to declare the illegality and frustrate the irregular proceedings, extortions and decrees of the late pretended Court of Chancery, read the first time. [C.O. 5, 1185. pp. 16-19.]

[Nov. 24.] **1183.** Reply of Gabriel Thomas to Wm. Penn's Answer.

Penn avers he owes him no wages; nor was he ever taken into his service. But Penn wrote from Bristol 15th 8 mo. 98, that he hopes Thomas will not go before he get to London; it was of moment that he wanted to discourse Thomas and particularly as to Penn's Quit-Rents. However would not be Thomas's Detriment. This caused Thomas to stay, and was then employed by Penn to go with him to —— Vincent about lands that his father had purchased of Penn, and that Vincent might be encouraged, Penn sent Thomas for the book Thomas had written called the History of Pennsylvania to shew Vincent. Penn employed Thomas to find out Richard Noble, of whom Penn had purchased lands in Pennsylvania. Thomas brought him to Penn, who by that means had a confirmation of his title to the lands, which were worth 200*l.* to him, and which he had lost had not Thomas found Noble. It took him a month's time, and he waited 8 months more to know what the matter of moment was, all upon his own costs and charges. Penn employed him to carry letters to Secretary Vernon and another person, and as yet hath not paid for the very least piece of service.

Penn answers further that he dos not without [*sic*] any land from Thomas, or countenance any that do. Thomas replies that Edward Bellamy having a Plantation in Pennsylvania of about 3,000 acres did employ Thomas to sell the same, as by two Instruments under hand and seal may appear, that because no purchaser could then be had, Bellamy sold it to Thomas, as by a receipt of part of the consideration money may appear. By a note under Penn's hand 7th 1st mo. 1701, he owns that he had received a letter from Bellamy that he, Bellamy, would give Thomas a secure title and quiet possession upon payment of the

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remainder of the money for the land he had bargained for and bought of Bellamy, which communication between them proceeded from a promise Penn had made to Thomas to help him to the purchase money, and of which Thomas had acquainted Bellamy. To prove Penn's artifice as to the land and his owning that he had bought the same, his employing Thomas and threatening to ruin him, 'tis humbly entreated that Joyce Fisher's affidavit may be read. Thomas finding Penn's delay in raising the money, sent a letter to his brother James Thomas in Pennsylvania, acquainting him of the bargain, desiring him to furnish him with money, and that he would take possession of the lands, which he did near two years since, and hath sent over tobacco with orders to pay to Thomas 60*l.* for payment of Bellamy and his other occasions, as by letter may appear. *Endorsed, Recd.* Read Nov. 24, 1702. *Copy. 3 pp. Enclosed,*

1183. i. Copy of Deposition of Joyce Fisher. Sept. 29, 1702.

Feb. 18, 170*½* she went to Westminster to William Penn, who then promised to use his endeavours to raise money for Thomas and asked Deponent if 100*l.* would do, and ordered that Thomas should come to him next day, and advised that Thomas should sell 1,000 acres, and he would speak to some Freinds to by them, and that if he, Penn, had money to spare he would buy the land, it being a choice tract of land called Prime Hook, but in the close of his discourse said that Thomas had forfeited his bargain by not paying the remainder of the money, and tho' no time was limited, yet the Law would decide that. June 22 last Penn declared to Deponent that Thomas did appear like a thief sneaking in holes for to be an evidence against him before the Council of Trade, and that he, Penn, would clap an action of 5,000*l.* on him and keep him in jail during life. But if he would give under his hand that he had abused Penn, he would raise money to pay said Thomas's debts ; and that he had never employed Thomas but as a porter that he could have had for two groats a time ; that he, Penn, had bought the land of Edward Bellamy, when Bellamy came to him for money for the use of Thomas, and that he gave the same sum that Thomas was to have given for the said lands. *Signed, The mark of Joyce Fisher. 1*¾* pp. [C.O. 5, 1262. Nos. 4, 4.i.]*

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1184. Council of Trade and Plantations to the Queen. *Quote substance of letters lately received "from Col. Dudley, your Majesty's Governour of New England, relating to your Majesty's Colony of Rhode Island."* Upon all which we humbly represent that this Colony, being of importance to the trade and navigation of England, ought to be secured by the best ways and means against the attempt of an enemy to which they lie exposed, and we do not conceive how the same can be otherwise effectually done than by the Legislative power of this Kingdom. In the meantime we humbly observe that in July, 1694, the then Attorney

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and Solicitor General did report in the like case to his late Majesty, that upon an extraordinary exigency happening through the default or neglect of a Proprietor, or of those appointed by him, or of their inability to protect or defend the Province under their Government and the Inhabitants thereof in times of war or imminent danger, H.M. might constitute a Governor of such Province or Colony as well for the Civil as Military part of Government, and for the protection and preservation thereof and of his subjects there; which we take to be a case not differing from the present state of your Majesty's Colony of Rhode Island; and it is therefore most humbly submitted whether it may not be for your Majesties service and the security of this Plantation, during the war, that a Governor be accordingly appointed by your Majesty, in which case we humbly represent that your Majesty's Governor of the Massachusetts Bay, being in the neighbourhood of Rhode Island, may very properly execute that Commission. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [C.O. 5, 1290. pp. 244-248.]

Nov. 24. **1185.** Order of Committee of the House of Lords, appointed to consider the Representation of the state of Trade by the Commissioners for Trade, that the said Commissioners do on Saturday next lay before their Lordships in the Prince's Lodgings near the House of Peers an abstract of some of the chief irregularities and abuses in the Colonies under Proprietary and Charter Governments, and offer such remedies as they shall think most proper; likewise an account of what Customs have been paid for 3 years past for wares used in dying etc. and also then propose what farther provision they would have made by Law for better preserving the trade to Newfoundland. *Signed*, Mat. Johnson, Cler. Parliamentor. *Endorsed*, Recd. Read Nov. 25, 1702.  $\frac{3}{4}$  p. [C.O. 5, 1262. No. 5; and 5, 1290. pp. 249, 250.]

**1186.** Memorandum of above.  $\frac{1}{4}$  p. [C.O. 194, 2. No. 86.]

Nov. 24. **1187.** Journal of Council of Trade and Plantations. Order of Council, Nov. 14, read and ordered to be sent to the Lt.-Gov. of Bermuda, with directions (as Nov. 30).

Ordered that a letter be prepared to Lord Cornbury to desire him to report his opinion upon the Act for vacating several grants of land in New York.

Representation upon what Col. Dudley has lately writ concerning the State of H.M. Colony of Rhode Island signed.

Reply of Gabriel Thomas read.

Nov. 25. Order of the House of Lords, Nov. 24, read. Directions given for preparing papers necessary to a Report.

Nov. 26. Representation relating to the rules of Appeals in Barbadoes signed.

Captain Leak attending, his answer to the Heads of Enquiries concerning Newfoundland was read. Upon several questions now proposed by the Board, he further explained divers particulars of his said answer relating to that trade and fishery, amongst other things he also observed that beer made with

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molasses and spruce-buds (with which that country abounds) is both cheaper and wholesomer than beer made with malt. In relation to the clothing for the soldiers sent by the last fleet, he said that the Commander, Capt. Richards, told him it consisted only of shirts and shoes; but Mr. Thurston, the Agent (here present) said that he sent also stockings and cravats. Capt. Leake said that David Cullin, a private sentinel whom he ordered to be brought to England to be tried for mutiny is now aboard the *Exeter* at Plymouth. Capt. Powell (arrived lately from Newfoundland) desired to be admitted, and told the Board that before he came away, the greatest part of the soldiers had deserted. He complained of some hardships put upon them by Capt. Richards (as the obliging them to constant work for 6d. per day), and their want of cloathing, which he imputed to the short provision made for the recruits he carryed along wth. him in 1701. But Mr. Thurston not agreeing with him in his report of that matter, Thurston was ordered to bring in an account of the clothing then sent, and Capt. Powel to lay before their Lordships in writing what he knows of that matter.

Several papers relating to the Report to be made to the House of Lords, were laid before the Board, and farther directions given upon them. [C.O. 391, 15. pp. 286-291; and 391, 96. Nos. 188-190.]

Nov. 24. **1188.** Journal of Assembly of Barbados. Absent members fined. Resolved that there be a new choice of Agents. Adjourned for four weeks. [C.O. 31, 7. p. 1.]

Nov. 24. **1189.** Minutes of Council of Barbados. Petition of Sampson Wood, complaining that John Sutton and Christopher Warren, Justices of the Peace, had refused to give him copies of their proceedings against him at the suit of Bryan Haggard, dismist.

Commission issued for holding a Court of Grand Session of Oyer and Terminer and General Gaol delivery, Dec. 8, Hon. James Colleton to be Chairman.

Letters from the Earl of Nottingham, Sept. 3 and Oct. 7, read. Stores ordered to be issued for Clarendon and Rochester Forts.

On petition of the Commissioners for the fortifications of St. James', payment ordered of  $\frac{2}{3}$ ths of the money arising by virtue of the Act of Aug. 26, 1702.

Ordered that the Treasurer lay out 100*l.* for entertainment of the Court of Grand Sessions.

Nov. 25. The Board met yesterday in order to communicate some matters to the Assembly of great moment for H.M. service and the safety of this Island, and the President having ordered the Clerk to acquaint them therewith, and that he had put by all other business at that time, expecting their coming, yet nevertheless the Assembly after they had made a house, thought fit to disperse themselves abruptly, without acquainting this Board of such their intention, as they have several times done before, therefore this Board order that letters issue commanding them to meet on Tuesday next by 8 o'clock in the morning. Lt.-Col. Richard Downes

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took the oath of Treasurer, and Charles Thomas of Comptroller. [C.O. 31, 6. pp. 307-309.]

Nov. 25. **1190.** William Smirke to [? *William Blathwayt*]. The French have taken and plundered all the North side of Trinity Bay, upon the 9th of this instant, two families in their shallop escaping for this place, the rest taken prisoners, some few killed and wounded; as to the number of men, they could give no account. Yesterday a more perfect account came to Capt. Richards by a man who was taken prisoner in Trinity Bay, procured his enlargement by his heels, which is this, that they were only 30 French and two Indians, and that they designed for Bonavista, likewise they expect 100 Canadians to join them and thence to proceed southward. The enemies are here daily expected, a good guard is kept by the inhabitants, but if they once appear, I may say *Dom. libera nos.* Signed, William Smirke. Endorsed, Communicated to the Board by Mr. Blathwayt. Recd. Jan. 27, 170 $\frac{2}{3}$ .  $\frac{1}{2}$  p. [C.O. 194, 2. No. 83; and 195, 3. p. 144.]

Nov. 25. **1191.** Rear Admiral Whetstone to the Principal Secretaries of State. On the 4th of this month Admiral Benbow died, and by all judged to be by the wound of his legg, which he received in battle with Mons. Ducass, it never being set to perfection, which malady being aggravated by the discontent of his mind, threw him into a sort of melancholy, wch. ended his life. All things relating to H.M. service that I can get notice of, have secured; he left no directions in any matters with anybody before his death. I am now fitting the ships with what expedition I can to cruise off of Hispaniola or else where we can annoy the enemy most. I hope God will give us success that my next may give some satisfactory account; no endeavours shall be wanting. I shall leave seven ships of war, a fireship and a sloop, a guard about this Island. Here are several Prizes brought in by some of the ships that was out with Adml. Benbow when I was crusing off of Hispaniola, which I find are daily pilfered by one or other for want of proper officers to take care of them, and make sale of what they can. I have, therefore, to prevent frauds or embezlements for the future commissionated two persons as sub-prize officers to officiate in that affair, and to give account as well to the Commissioners of the Prizes at home as myself here or the Commander in Chief. The ships here will most of them require a relieve in a little time, as will also the men, who though not so many sick at a time as at first coming over, yet continue dying, and having no recruits makes our ships' companys very thin, and the privateers which are commissionated by the Government here do endeavour, and have stockster'd away several of our men, notwithstanding we use all the care we can to prevent it. The fears of the Government here are very great because the French upon Hispaniola have had considerable numbers of men brought to them which were taken prisoners at St. Christopher's, and the privateers from hence have drained the Island of abundance

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of men, which makes them unwilling to hear of my sailing far from this place. On the 17th I had the honour to receive the two Orders sent by the *Charles* galley to Admiral Benbow from H.R.H. and your Lordships' Letters of June 1 and 13. That of the first, relating to service at Newfoundland, I perceive by that of the 13th is otherwise ordered, and as to the 13th, it was Admiral Benbow's great unhappiness to meet Mounsr. Ducass upon the coast of Carthagena ; since that, we have certain intelligence of the Duke of Albequirk's arrival at La Vera Cruis, the beginning of Oct. last, also of five ships' arrival at the Havanna, and likewise that Ducass is gone from Carthagena to that place. I will use my utmost endeavours to annoy the enemy, and when the additional forces H.R.H. is pleased to order hither arrive, doubt not but we may perform some considerable service. At present there is no ship arrived but the *Norwich* and *York*, with the victuallers which came here Sept. 20 last. *Signed*, Will. Whetstone. *Endorsed*, R. Feb. 6, 1702. *Addressed*. *Sealed*. 2½ pp. *Enclosed*,

1191. i. (a) List of ships going to sea on a cruize. *Jamaica*, Nov. 25, 1702. *Canterbury*, *Bredah*, *Defiance*, *Gloucester*, *Dunkirk*, *York*, *Kingston*, *Windsor*, *Greenwich*, *Ruby* ; *Strombolo* and *Hermon*, fireships ; *Carcass* and *Serpent*, bomb.

(b) List of ships left for a guard to the Island. *Norwich*, *Falmouth*, *Bristol*, *Colchester*, *Pendennis*, *Experiment*, *Sea-horse* ; *Earle galley*, fireship ; *St. Antonio*, sloop. 1 p. [C.O. 137, 45. Nos. 27, 27. i.]

Nov. 25. 1192. Duplicate of above letter. *Endorsed*, R. Apr. 19, 1703. [C.O. 137, 45. No. 28.]

Nov. 26. 1193. Council of Carolina to [? the *Lords Proprietors of Charles Town*. *Carolina*]. Governor Moore with what forces was thought sufficient being now in the Spanish Town called St. Augustine on the coast of Florida, wee think it our bounden duty to give your Lordship as full an account of our present circumstances as possible, which we cannot better do than by the inclosed abstract. If wee become Master of the Castle, 'tis impossible for us to keep it long without H.M. in her prinsly wisdom shall think fit to take it into her possession ; it lys in the Latd. 29.40°, which is 60 leagues from the body of our settlement. The country about it is replenished with great store of neat cattle, and the neighbouring Indians, which are many (and very ill pleased with the Spaniards) plant great store of corne, which they part with at a very cheap rate. Our Province is in very good health, but somewhat exhausted of warlike stores by this our expedition. *Signed*, Edwd. Bellinger, Robt. Gibbes, Henry Noble, Alexander Parris. 1 p. *Enclosed*,

1193. i. Abstract of Letter from Governor Moore and Robert Daniell to the Council of Carolina. Gentlemen, On Tuesday, Oct. 27, the fleet came before the River of St. Augustine, butt for want of a pilott could not get

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in. Thursday following Col. Daniell came into and made himself Master of the Towne. Saturday from the Fleet wee landed and joyned him with 70 or 80 men. Monday following, the maine body landed, and joyned Col. Daniell; eight of our vessells are within the River. Wee find the Castle much stronger then it hath been represented to us by any person. Itt is very regular, a very wide, deep moat round it, a large platform mounted with great guns built on that side fronting the River, and not to be scaled with any ladders wee have brought with us, can make, or mount. Wee have taken some prisoners, which tell us water is very scarce and bad in the Castle, that provision will shortly be all spent, and that they are at least 1,000 eaters in it. We are not so sure we have so shutt up the Spaniards in their Castle that they cannot fetch in provisions, but we doubt not but in two daies to do itt effectually. We can foresee nothing, but an overpowering and speedy assistance sent to the besieged, can hinder our taking the Castle. However, least our other attempts on itt, and our expectation of starving them to a surrender, may not succeed or answer our expectation, we have sent Capt. Risbee in Capt. Outerbridge his sloop to Jamaica to gett us mortars, shells, powder and shott, and some other small necessaries. Wee are resolved wee will not returne the thing undone, as long as we have the least prospect or hopes of doing it. *Signed,* Ja. Moore, Robert Daniell.  $1\frac{1}{4}$  pp. [C.O. 5, 382. Nos. 8, 8.i.]

Nov. 26. **1194.** Council of Trade and Plantations to the Queen.  
Whitehall. *Representation upon Order of Council, July 9, relating to Appeals in Barbados.* The persons most interested in Barbados have represented that any alteration in the sum to be appealed for from thence to your Majesty (500*l.*), or in the time in which such appeal shall be made (14 days), may be prejudicial to your Majesty's subjects inhabiting or concerned in that Island. And no application having yet been made directly from the Island for the alteration now proposed, we are humbly of opinion that no determination be made in that matter till the Petitions and other papers relating thereto be communicated to the Governor and Council for their opinion and the general sense of the inhabitants of that Island known therein; which we think the more necessary inasmuch as all your Majesty's other Plantations in America are concerned in the consequences of any such alteration. *Signed,* Dartmouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 29, 8. pp. 263, 264.]

Nov. 26. **1195.** Order of Queen in Council. Approving the above  
St. James's. Representation, and ordering the Lords Commissioners of Trade  
and Plantations to give the necessary directions thereupon.

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*Signed, Edward Southwell. Endorsed. Recd. Read Dec. 3, 1702.  
 $\frac{3}{4}$  p. [C.O. 28, 6. No. 90; and 29, 8. p. 265.]*

Nov. 26. **1196.** Copy of Commission to Major Richard Ingoldsby to  
 St. James's. be Lt. Gov. of New York and the territories depending thereon.  
*Countersigned, Nottingham. Subscribed, A like Commission to  
 the same to be Lt. Gov. of Nova Cæsaria (New Jersey). 1 $\frac{3}{4}$  pp.  
 [C.O. 5, 1084. No. 10; and 5, 1047. No. 78; and 5, 1119.  
 pp. 247, 248.]*

Nov. 26. **1197.** Copy of Commission of Major Richard Ingoldsby to  
 St. James's. be Lieutenant Governor of New Jersey. *Countersigned,  
 Nottingham. Endorsed, Recd. 10th, Read Dec. 11, 1702.  
 2 pp. [C.O. 5, 970. No. 11; and 5, 994. A. pp. 128, 129.]*

Nov. 26. **1198.** Minutes of Council of the Massachusetts Bay. Whereas  
 Boston. the General Assembly have lately past an Act for the imprinting  
 and emitting of Bills of Credit on this Province, Ordered that  
 John Foster do deliver the copper plates heretofore used for the  
 like occasion within the late Colony of the Massachusetts Bay,  
 and deposited in his hands, unto James Russell and Elisha  
 Hutchinson, two of the Committee appointed for the service  
 aforesaid.

Ordered that the Bills of Credit to be imprinted be stamped  
 with the three Lyons passant gardent, with the Garter and the  
 Crown over them, contained in an escutcheon of a different figure  
 for each number of Bills of one and the same sum, the Bills to be  
 of two shillings, 2s. 6d., 5s., 10s., 20s., 40s., 3l., and 5l.

James Russell, Elisha Hutchinson, Nathaniel Byfield, John  
 Leverett and Samuel Legg, the Committee appointed by the  
 General Court for the imprinting and signing of the Bills of Credit,  
 were severally sworne faithfully to intend the management of  
 that affair and the trust in them reposed.

8l. 10s. paid to Joseph Lynde for expences in a late journey  
 made by H.E. to Dunstable.

Licence granted to Henry Bridgham to erect a barn of timber  
 on the easterly part of his father, Joseph Bridgham's land, in  
 Boston, where he is about to settle a tan-yard, for the lodging  
 and grindeing of his barke in, to abut on the lane nigh Atkinson's  
 Dock.

Licence granted to Benjamin Emmons, jr., of Boston to erect  
 a timber dwelling house upon his land abutting on the back-  
 street over against the dwelling house of Capt. Anthony Checkley,  
 between the house of John Cunnibal, and the house of widow  
 Smith, the end of the said house next unto the house of  
 Cunnibal to be of brick, the other end to be plastered and the  
 roof slated. [C.O. 5, 789. pp. 471, 472.]

Nov. 26. **1199.** Journal of House of Representatives of New York.  
 Petition of Martin Clock, Jacobus Vander Spiegel and Arien  
 Hooglan, Prisoners in the custody of the Serjeant at Arms,  
 praying for their discharge, rejected.

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Bill to enable New York to supply vacancies sent down with amendments, which were agreed to, and the Bill sent up.

The Address to H.M. was read and signed, and sent up to H.E. to transmit for England.

Bill for regulating slaves was read the third time and sent up.

Bill to declare the illegality of the late Court of Chancery was read the second time.

Bill appointing Commissioners to examine the Accounts etc. was read the third time and sent up.

Bill for prohibiting the distilling of rum and burning of oyster shells into lime within the City of New York, or within one mile distance of the City Hall, was read the first time.

Amendment of the Joint Committee to the Bill for encouragement of a Free School was agreed to by the House.

Message from the Council, with amendments to the Bill for regulating slaves was agreed to.

Bill for encouragement of an English Free School, and for regulating slaves, sent up with amendments agreed to.

Bill against forging, counterfeiting and clipping of foreign coyn amended.

Nov. 27. Bill for continuing the Revenue was read a first and second time and committed. Amendments were rejected and the Bill read a third time and sent up.

Bill to declare the irregularity of the late Court of Chancery was read a third time and sent up.

Bill against forging and clipping foreign coin read the third time and sent up.

Petition of Martin Clock etc. [as Nov. 26] rejected.

H.E. summoned the House to attend him and gave his assent to the 14 Acts passed in November. He then adjourned the General Assembly to the first Tuesday in April next. *Printed and sold by W. Bradford, Printer to the Queen's most excellent Majesty in New York, 1702. [C.O. 5, 1185. pp. 19, 20.]*

Nov. 27. **1200.** Col. Quary to the Earl of Nottingham. By reason of New York. contrary winds, it was the middle of October before I arrived in Virginia. I did immediately dispatch away my orders to Carolina to purchase such a proportion of the provisions which that country can best supply. I had quickly advice that all things would be ready there by the middle of November. I did quickly buy the biskett and flower in Penselvania, which is esteemed the best in America. When all things were ready, I sent your Lordship's letter to my Lord Cornbury about providing a convoy, and soon after came hither in order to dispatch that affair, but found H.M.S. *Jersey* laid up, unrigged, and all her guns ashore. H.E. and the Captain concluded that it was not possible for the ship to be got ready before the frost would set in here. I did then propose that a small ship might be manned with those men that did belong to the man of war; H.E. was willing, but on a further view of H.M. orders, he found that he was to send H.M.S. *Jersey* and no other, and the Captain thought that he could not justify the taking the men from the Queen's ship. She will be ready on

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March 28, at which time all things shall be ready and shipped to go with the convoy. I have by a sloop now bound to Jamaica writ to Admiral Bembo and the Victuallers' Agent to acquaint them with this delay. I presume it will be no injury to H.M. service, since the last vessel that came from Jamaica about 10 days ago gives me assurance that the land forces designed for that place were not arrived. All the provisions are bought and ready according to H.M. Orders however etc. *Signed*, Robt. Quary. *Endorsed*, R. Feb. 11, 170 $\frac{2}{3}$ . *Addressed*. 2 pp. [C.O. 5, 1084. No. 11.]

Nov. 27.  
Whitehall.

**1201.** Journal of Council of Trade and Plantations. Further progress made in Report to the House of Lords.

Nov. 28.

Above Report signed and delivered to Mr. Blathwayt to be laid before the Committee of that House as required, together with several papers. [C.O. 391, 15. pp. 292-295; and 391, 96. Nos. 191, 192.]

Nov. 28.  
Whitehall.

**1202.** Council of Trade and Plantations to the House of Lords. In answer to Order of Nov. 24. *Enclose copies of papers previously calendared.* As to Propriety and Charter Governments we humbly refer ourselves to our opinion frequently given in that behalf. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Mat. Prior. *Annexed*,

1202. i. Report upon irregularities in the Fishery of Newfoundland. *Refer to Report of Capt. Leake.* Upon which it is humbly offered, that in the tenth and eleventh years of His late Majesty's Reign, an Act was past to encourage the Trade to Newfoundland and prevent these and other abuses; whereupon copies of the said Act have been constantly delivered by us to the Commanders of the convoys going yearly to Newfoundland, with further directions to make enquiry into all abuses, and do all that in them lay to hinder the same, and to return us an account of their proceedings, which has had a good effect, and in a great measure lessened the abuses. But for a more entire remedy, it is proposed that a power be given, by a clause in an Act of Parliament, to the Admirals of each Harbour in Newfoundland, as also to the Commanders of H.M. Ships of war there, to lay fines and penalties upon offenders against the said Act, according to the nature of the offence committed, no such fine exceeding the sum of 5l. sterl., as likewise a power of confining such offenders in case of non-payment, such confinement not exceeding the space of 10 days. *To remedy the abuses of the New England traders;* it is proposed that the Commanders of H.M. ships of war have the power of a Custom House Officer to search those New England ships upon their coming, and to take an account of the number of their seamen and passengers, as likewise to take bond from each of the Masters, that they shall not carry away a

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greater number of men than they brought. [C.O. 5, 1290. pp. 250-258.]

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**1203.** Council of Trade and Plantations to the Queen. We humbly beg leave to lay before your Majesty an Act past in the General Assembly of your Majesty's Bermuda or Summer Islands, intituled An Act to prevent the oppression and extortion of Officers. The preamble containing a large deduction of misdemeanours committed by Edward Jones, formerly Provost Marshal General and Secretary, and by reason of those misdemeanours suspended by the Governor, the whole purport of the said Act upon occasion of the crimes charged upon him does lay such restrictions upon all future Provost Marshalls and Secretaries there as are derogatory to your Majesty's prerogative and right of appointing such officers, so that we humbly offer your Majesty would be pleased to signify your disallowance of the said Act. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [C.O. 38, 5. p. 322.]

[Nov. 30.]

**1204.** Capt. Richards to the Council of Trade and Plantations. I am ignorant of the former particulars of the Company. But as Mr. Thurston makes mention of only two whole cloathings since Sept. 1689, I am obliged in behalf of the poor soldiers who are so laboriously engag'd for the securing of this place, which is so unmercifully destructive to their cloaths. 'Tis so very bad at present that besides what few things may be got for their winter supply, I must provide them with half a score watch coats to enable them to an exact performance of duty. Two serjeants besides several others have been disabled by the extremity of last winter, and as the half of the company are of six years' standing, and have been often troublesome, expecting of being relieved ere this, and have like to been of bad consequence by the ill example of those sent us last year. The French deserters make the same their plea, and don't doubt but shall hear more of them, but have good hopes it won't be our condition this year. I will leave no stone unturned to prevent it by encouragement or strict care. We have lately received such discouragement for not depending on the inhabitants that the present Commander is sensible of the insufficiency of the number of soldiers and officers as much, and remind your Lordships of further supplies granted so as if only to complete two companies there may be a supply of officers on account of accident, and as one Lieut. is permitted for his health to go for England, I can't but mention that the extremity of the last winter took from me the use of my limbs wch. I cannot reasonably propose to recover here, and hope through your Lordships' care if I continue so unfortunate, I may without prejudice to the service be permitted to return, not questioning by God's leave to put the works in a sufficient posture of defence so as to be finisht by my Assistant that is with me. *Refers to accounts of the Company, and prays that they may for the future be clear, and that the Agent's charges be so moderated that there may be no just complaint from the officers as well as*

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soldiers in the very small subsistence that is received. And as the soldiers are grown quite weary of this country service, I have repeated this only to remind your Lordships that they may have more then continual promises for their encouragement and that an exact account of their whole contingencies may be enquired into, and the arrear to be made good notwithstanding the misapplication of others, wch. your Lordships ordering the disposal of the same according to the true interest, it may be a general benefit to the Company in repair of kettles, platters, cans etc. as well as in the cloathing, wch. is in a despicable condition. *Signed*, M. Richards. *P.S.* The inconveniencys are very great of brewing mault drink in the best of weather, and in the winter is not to be done, wch. for the time past was remedied by exchanging the mault for mallasoes, the which this year could not be complied with in respect the provisions came so late, and inasmuch as that the want of storeroom here as well as in the expence of transporting hither, doe request that as the drinks brewed in this country is much the wholesomer, and beyond comparison the easier brewed, the price of the mault may be remitted for the allowance of the beer. *Endorsed*, Recd. Nov. 30, 1702. Read March 18, 1702. *Holograph*.  $3\frac{1}{2}$  pp. *Enclosed*,

1204. i. Copy of the establishment of the Company at Newfoundland, and an account of 50*l.* allowed for the contingent use thereof. *Endorsed*, Recd. Nov. 30, 1702. 2 pp.

1204. ii. State of the Subsistance of the Company at Newfoundland and an account of the money ordered for them in June, 1702. *Same endorsement*.  $2\frac{1}{4}$  pp. [C.O. 194, 2. Nos. 84, 84.i., ii.; and 195, 3. pp. 190-198.]

Nov. 30. **1205.** William Popple to Lieut. Governor Bennett. Enclosing Whitehall. Order in Council of Nov. 14 repealing the *Act to prevent the oppression and extortion of officers*. And besides the reasons of this allowance exprest there, which were partly hinted at by yourself, Aug. 28, 1701, the Council of Trade and Plantations signify to you that the faults of one officer are not to be esteemed a sufficient ground for altering the constitution of an office, and that upon any misbehaviour of Patent Officers, they ought not to be corrected in an irregular manner (as was done by this Act), but the complaints and proofs should have been, and so for the future in like occasions are to be, laid before H.M. for her pleasure therein. [C.O. 38, 5. pp. 328, 329.]

[Nov. 30.] **1206.** Papers received by the Council of Trade and Plantations from Governor Lord Cornbury, Nov. 30.

1206. i. List of persons fit to be of H.M. Council of New York:—John Bridges, Dr. of Civil Law, Col. Caleb Heathcote, Wm. Nicholls, Thomas Wenham, Mathew Ling, Killian van Renslaer, Philip French, Stephen De Lancy.

1206. ii. [? *Lord Cornbury's*] Reasons for suspending William Atwood from being Chief Justice, Judge of the Vice Admiralty and of H.M. Council of New York. In the execution of his office of Chief

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Justice and as Judge in almost all causes that came judicially before him he, by the general report of all present, did openly, notoriously and most scandalously and with wonderful partiality, in almost all causes where his son was concerned as Councill, and indeed pleaded and gave countenance to such cause and finally gave judgment on that side, by which means Justice was perverted, which recommended his son to great practice. Of his partiality I have myself always been a witness as often as he hath sate with me in the Court of Chancery here. Upon my arrival immediately a great number of the principal inhabitants of the Province, English, Dutch and French, together with the Minister of the English Church, who had for some time before been drove from their habitation of New York, and had been forced to shelter themselves and their goods in the neighbouring Province by reason of a violent and unheard of persecution by the persons then exercising the powers of Government, came to me on board H.M.S. *Jersey*, most grievously complaining of the great hardships that they and a great number more of the principal inhabitants, who had been forced to fly into other Provinces more remote, have lay under; that had it not been for the hopes of my speedy arrival, New York and a great part of the Province had been left desolate. Mr. Atwood and Mr. Weaver, persons extreamly indigent, violent, partial, of unjust and turbulent spirits, had so prevailed with and imposed upon Capt. John Nanfan, the then Lt. Gov., a young man of small experience and knowledge, so that they had drawn to themselves and their party the whole administration of the Government, and had complotted and contrived the ruin of the principal inhabitants, that their estates, which were very considerable might be forfeited to the King, as they reported, for the payment of the debts of the Government, which thro' their mismanagement were grown to be very considerable. After my arrival in this Port, the weather being stormy, before I could land, Atwood and Weaver, together with the pretended Assembly, did in wonderful haste, to secure the interest of their party, compile, pass and publish Acts very destructive to the good subjects of this Province, inconsistent with H.M. service, contrary and repugnant to the Laws of England. Some time after my landing, a very great number of the principal inhabitants presented me with an Address, consisting of divers complaints against the persons concerned in the late Administration, and 33 Articles against Attwood, with several records and a great number of affidavits to justify the same. Amongst many other complaints, which I think to be clearly proved, was the prosecution of Col. Bayard and Alderman Hutchins etc. which had appeared so scandalous and unjust to the neighbouring Governments that they had earnestly interposed with the persons then in the Government to put a stop to their proceedings, which seemed to them so extravagant and without ground or precedent, but were answered with rudeness and contempt. Notwithstanding the Addresses were never produced in Court in those trials, nor the matter contained in them ever duly proved, he

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proceeded to condemn them for High Treason and passed sentence of death on them. Attwood, the better to stifle and conceal the artifice and irregularities practised in those trials, had taken care that no notes should be taken in Court, and his concern to prevent an exact relation of what passed was so great, that he gave strict order to an officer to search all rooms near the Court to discover if there were any taking the trial, and prohibited any person taking the same. However, several persons had taken memorials of what their memories could retain, and the trial of Col. Bayard, collected from thence, was soon after delivered to me. *Copy.* New York, Oct. 2, 1702. *Signed,* Dan. Honan, Secy. *Endorsed,* Recd. Nov. 30, Read Dec. 29, 1702.  $2\frac{1}{2}$  pp.

1206. iii. Copy of Warrant suspending William Attwood as above. June 9, 1702. *Signed,* Cornbury. *Endorsed,* Recd. Nov. 30, 1702. 1 p.

1206. iv. Lord Cornbury's Reasons for suspending Thomas Weaver, H.M. Collector and Receiver General of New York. He has appeared to me a mischeivous incendiary, promoter and stirrer of the disorders and divisions, not only in these parts but in the Leeward Islands, where some time he made his abode before his coming hither. In his payment of the public money, he hath used great partiality and corruption. By his corruption and mismanagement of his office, that part of H.M. Revenue rising by excise hath been very much lessened ; that of the City of New York alone being diminished  $\frac{1}{3}$ rd since he hath been entrusted with the Revenue. I cannot find that he has kept any due accounts, and has neglected to make up his quarterly accounts and transmit duplicates to England every six months. The public being by the mismanagement of Weaver and others brought much in debt and discredit, he entered into combination with other, his confederates, to cause several of H.M. good subjects in this Colony of plentiful fortunes to be accused and prosecuted for supposed treasons and other crimes, that by the forfeiture of their estates such debts of the Government might be satisfied. Pursuant to such his wicked practices, he procured himself to be appointed Solicitor General (a new office in this Government), for that purpose, the Attorney General giving his advice and opinion to the contrary, and declining to appear in such unjust prosecutions. In combination with other his confederates, he prosecuted Col. Bayard and Alderman Hutchins etc. At my arrival he denied to have any of the public money in his hands. Though I have often desired him, I never could obtain any account whatsoever of the state of the Revenue etc. He has given great discouragement and interruption to the lawful trade of the Province, maliciously prosecuting and seizing divers ships without any just cause, only to gratify his own private quarrels and revenge. Although several of those ships were legally discharged from his feigned informations, yet, in prosecution of his malice, and to give the owners and masters further vexation, he again caused them to be seized and condemned for the same facts. In conjunction with Col. Depeyster, he procured himself to be Paymaster to H.M. forces here, in the management of which matter the officers

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were upon all occasions delayed, and by Weaver rudely and scurrilously treated, and the soldiers unjustly and unduly paid, nor could they ever till the time of my arrival procure from them an account of their pay and offreckonings, but were made to believe that their subsistence by them often paid them was advanced out of their own pockets, by which management the soldiers were greatly discouraged and was chiefly the reason so many of them so often deserted. Upon my arrival Depeyster and Weaver acquainted me that the merchants of this place were so ill-affected to H.M. service that they refused to supply such money as was necessary to subsist H.M. forces upon giving bills upon the Agent in England as had been accustomed, but upon enquiry it appeared to me that those merchants who usually supplied that money were by the violent prosecution upon the account of the Addresses constrained to fly out of the Province, who immediately came to me and made offer to supply all such money for H.M. service. *Copy.* New York, Oct. 2, 1702. *Signed,* Dan. Honan, Secry. *Endorsed as preceding.*  $2\frac{1}{4}$  pp.

1206. v. Copy of Warrant for suspending Thomas Weaver as above, June 9, 1702. *Signed,* Cornbury. 1 p.

1206. vi. Lord Cornbury's Reasons for suspending Col. Abraham Depeyster, from H.M. Council of New York. By the universal clamour of the people he is accused as a principal promoter and actor in the disorder and divisions amongst them. Together with Wm. Attwood etc. he hath taken part in unjust prosecutions etc. as of Bayard and Hutchins. By confederacy with divers others he procured certain bills to be passed in form of Law to forfeit the estates of the subject without any crime, conviction or attainder, to deprive the subject of his just, legal and natural right, and to pervert the public money to private and corrupt uses. Since my arrival he has industriously opposed the right and due administration of justice in the Court of Chancery here, showing great partiality in all causes, where any of his party were concerned. *Copy.* *Signed and dated as No. iv.* *Endorsed,* Reed. Nov. 30, Read Dec. 29, 1702.  $1\frac{1}{2}$  pp.

1206. vii. Lord Cornbury's Reasons for suspending Capt. Robert Walters from H.M. Council of New York. *Similar to preceding.* *Dated, signed and endorsed as preceding.*  $1\frac{1}{2}$  pp.

1206. viii. Lord Cornbury's Reasons for suspending Samuel Staats from the Council of New York. *Similar to No. vi.* *Dated, signed and endorsed as No. vi.*  $1\frac{1}{4}$  pp.

1206. ix. Copy of Warrant for suspending Abraham D'Peyster, Samuel Staats and Robert Walters from the Council of New York and from being Justices of the Supreme Court of Judicature. *Suspended June 9, 1702.* *Dated and signed as No. iv.* *Endorsed,* Reed. Nov. 30, 1702. 1 p.

1206. x. Address of some Inhabitants of New York to Governor Lord Cornbury against Mr. Attwood and Mr. Weaver. Sept. 5, 1702. We look upon this great deliverance from our eminent ruin in prosecution at the time of your Lordship's arrival to be a singular providence of Almighty God. *Refer to the Addresses etc.* We also beg leave here to lay before your Lordship more fully the

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late great misfortune the Province hath labored under by having the powers of Government, after the death of the late Earl of Bellomont, vested in Capt. Nanfan, a young gent. (doubtless recommended to that station by the said Earl for his near relation to his Lady), void of experience and much addicted to intemperance, of which the said Earl was so sensible, that before he removed to Boston he took care to get his Commission altered, and all the power(s), which by his former Commission were to be exercised by the Lieut. Governor in his Lordship's absence independent on the said Earl, to be restrained, and Capt. Nanfan wholly subjected to his Lordship's directions. Notwithstanding H.M. directions not to espouse parties, after he had for some time shewed an indifference, yet was he imposed upon and corrupted by the said Councils of Wm. Atwood and Tho. Weaver, Abraham De Peyster, Saml. Staats and Robert Walters, persons of mean capacities, small experience and great malice etc. etc. It was the hopes conceived of your Lordship's speedy arrival made any of us remain in this Province after Col. Bayard's conviction, where we were so oppressed and so ill treated and threatened, that we found ourselves unsafe in being seen to converse together, or shewing the least resentment at these proceedings. In the latter end of these convulsions, even when it was publickly known your Lordship was arrived within the entrance of this Port, in 24 hours they did frame, pass and publish such Acts for the fortifying themselves in the Government for the future as are repugnant to the Laws of England, hurtful to H.M. interest, destructive to an English liberty, the trade and welfare of the Province, and the peace and quiet of the subject, and to color and carry on this their detestable design, have tacked the said Bills to one of two years' Revenue, dividing considerable part thereof among themselves, which Revenue has been and is provided for the necessary support of the Government and will not determine in four years to come. Although we are the stronger part of the Province, and were profer'd assistance of force from the neighbouring Colonies, to relieve us from these oppressions and prevent the execution of the prisoners, we declined that method of redress. *Pray* H.E. to make a Representation to H.M. of the whole matter. *Signed*, Fred. Flipse, Jacob Kersteade, Lucas Kersteade, David Law, James David, Peter Rollan, Corn. Kersteade, Ben. Blackgrave, Jno. Finch, Geo. Stanton, Richd. Plested, Saml. Bayard, Jno. Barbarie, Robt. Watts, Lancaster Syms, Cha. Wolley, Ja. Bayard, Bart. La Feurt, Benj. Aske, Jno. Shakmaple, Wm. Teller, Robt. Skilton, Jno. Sheppard, Jno. Smart, Wm. Moese, Danl. Dunskum, Hugh Farquhar, Edwd. Marshall, Pet. Lakeman, Robt. Anderson, Tho. Roberts, Robt. Drummond, Richd. Garsley, Edmd. Kaems, Wm. Robertson, Henry Kembell, Wm. Galt, Wm. White, Jerem. Caleut, Jam. Harding, Wm. Chisnal, Pierre Bontecau, Peter Basset, S. Valleau, Robt. White, Peter Caulier, Andr. Faucout, Roger Baker, James Davis, J. V. Cortlandt, Thennis Dekey, Wm. Huddlestone, Brandt Schuyler, Benj. Faneuil, Claude Bowdwin, Saml. Burt, August Lucas,

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Nich. Jamain, Wm. Anderson, Gabrl. Ludlow, Wm. Morris, Tho. Burroughs, Nath. Marston, Caleb Cooper, Jos. Mallenson, Louis Carré, Abr. Juneau, Peter Murrein, Richd. Sacket, Jos. Wright, Wm. Chambers, Robt. White, Corn. Viele, Robt. Nisbet, Steph. Richards, Johan D'Honneur, Jos. Blydenburg, Beverly Latham, Tho. Codrington, Pat. Crawford, Wm. Laurier, Wm. Janaway, Etienne Perdrieau, Peter Thannet, Bon Grande, Lau. Reade, Coenrad Vanderbeck, Tho. Wenham, Tho. Davinport, Wm. Smith, David Lyel, Richd. Willet, Walter Thong, Wm. Peartree, Michl. Howden, Jno. Corbet, Jerem. Tothill, Jno. Crook, Tho. Montague, Saml. Mynderts, Elias Boudenot, David Vilant, Danl. Cromeline, Bart. Thonneur, Wm. Anderson, Pet. Bayard, J. Jansen, Ja. Wells, Jos. Aspinwall, Richd. Overin, Ralph Thirman, Obadiah Smith, Ja. Wright, Wm. Bickly, Steph. Delancey, Philip Juneau, Jan. Vincent, Ferd. Ravaud, F. Vincent, Dennis Hegeman, Paul Droillet, Giles Gaudineau, Aug. Grasset, Fran. Hewling, J. Granby, Nathl. Randal, Gabll. Minveile, Peter Marius, Johan. Harperdinck, Johan. Kip, B. Bayard, Jean Pelletreau, John Harris, O. V. Cortlandt, Johan Van Zant, Andr. Stuckey, Andr. Teller, Jno. Theobalds, Tho. Ives, Tho. Adams, Pat. Musset, Robt. Motte, Jno. White, Robt. Parkinson, Bern. Hardenbroock, Fran. Chappel, Roger Jones Jno. Davinport, Barth. Le Rouse, Geo. Dod, James Spencer, Edwd. Cole, Cha. Denizo, A. Bonnin, Elie Pelletveau, Jean Le Chevalier, René Rizeau, Abrm. Rizeau, Saml. Loveridge, Wm. Hayward, James Beard, Jno. Trevet, Jno. French, Jno. Leventhorp, Zach. Angevin, Peter Moutell. New York, Sept. 5, 1702. *Copy. Signed, per Dan. Honan. 3 closely written pp. Endorsed, Recd. Nov. 30, 1702.*

1206. xi. Articles exhibited by the principal Merchants, Free-holders, and Inhabitants of the City of New York, against Wm. Atwood, Chief Justice. (1) He is appointed Chief Justice and Judge of the Admiralty for this Plantation, and the *Elizabeth and Catherine* on an information on the 7th and 8th of King William having been acquitted by the said Court of Admiralty, by color of a prohibition from the Chief Justice of the Supreme Court to the Judge of the Admiralty, as Chief Justice of the Supreme Court he annulled the sentence in the Admiralty, and as Judge of the Admiralty he on the said information condemned the ship, to the grievous damage of the owners, and the destruction of the trade of these parts. (2) Contrary to his Commission and Ordinance of the Governor and Council for erecting the Supreme [Court], he sat solely without the presence or assistance of his fellow Justices, and annulled the said sentence in the Admiralty in a new special Supreme Court ordered for that purpose. (3) The Defendants then appealed to the Lieut. Gov. and Council, where, by his influence, being one of the Council, the judgment of the Supreme Court was affirmed. They appealed to H.M., notwithstanding which he proceeded in the Admiralty to the condemnation of the ship. (4) On an information exhibited in the Admiralty against the sloop *Susan*, a vessel built in this city, never out of the road, he confiscated her under

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color of her wanting a Register, though the same had been demanded, and the absence of the Lt. Gov. at Albany made it impossible to obtain one. (5) Contrary to the Charter of the City and the constant usage and practice, he advised the late Mayor to swear the new Aldermen. (6) Several persons, not being chosen, having returned themselves Aldermen and being for the said false returns presented by the Grand Jury for the City and County of New York, he without any just cause or admitting any argument, quashed the said presentments. (7) He corruptly condemned the ketch *Catherine* in the Admiralty, under color of breaking bulk, when the only pretended fact was the bringing on shore 7 or 8 ounces of ambergrease, and that without due proof of the said fact. (8) He advised, promoted and maintained some persons to act and sit as an Assembly, though an equal number of persons elected objected against the Speaker, as an Alien, whereby the matter could not come to any just decision. (9) Being corrupted by a bribe he influenced the late Lieut. Gov. and Council to pass a private Act of Assembly to alter and divert the property of the subject, the parties concerned not being summoned to make their defence. (10) He committed to the Common Gaol Alderman Jno. Hutchins without bail or mainprize for no other cause than that he would not, on an arbitrary Order, deliver up Addresses to H.M., the House of Commons and Lord Cornbury, though the same were not in his custody nor in his power to procure. (11) He committed Col. Bayard to the Common Gaol for high treason, under color that in a petition from him etc. to the then Lieut. Gov. and Council, wherein was expressed that H.M. had appointed Lord Cornbury to succeed in the Government, the said expression was a disowning of the then Lieut. Gov. and Council, though the petition was addressed to the Honbl. Jno. Nanfan, L.G. and the Hon. Council. (12) Contrary to the King's Letters Patents, he presumed to sit and hold a Court and act by a Commission ordered by the Lt. Gov. Nanfan, with the advice and consent of Weaver and Staats, only two of the Council, whereas there ought to be three at least. (13) After the expiration of a Commission of Oyer and Terminer specially limited to Feb. 19, he together with Abraham Depeyster and Robt. Walters tried and condemned Bayard and Hutchins. (14) Of his own meer violent humour and causeless malice, without any just reason or color of right, he laboured to procure them to be indicted of High Treason etc. (15) He caused it craftily to be inserted in the indictment against Bayard, that he endeavoured to incite the soldiers of the garrison against their commanders, when in truth there was not the least color for any such allegation, nor on the trial was there any one person of the garrison or otherwise that charged Bayard with any manner of fact to give ground for such a calumny. (16) Not being able to corrupt any other practitioner in the Law to prosecute Bayard and Hutchins and the Attorney General being of opinion that they were guilty of no crime, a new office of Solicitor General was erected with a salary, and Tho. Weaver, a principal actor in these contrivances, appointed. (17) The better

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to procure an indictment to be found by the Grand Jury against them for high treason, after the expiration of the Commission aforesaid, he injuriously expelled John Corbett, Caleb Cooper, Johan. van Cortlandt and Jacob Dekey after they were sworn of the inquest, only because they would not servilely comply with his arbitrary directions to find the said Bill without sufficient enquiry into the matters of fact alledged against the prisoners. (18) The Jury consisted of 19 persons, eight of which did publicly declare at the Bar of the said Court that they never consented to find the said Bill, nevertheless, the Bill being endorsed *Billa Vera* and signed by the Foreman of the said pretended Jury, without any better enquiry he dismiss'd the said Jurors from their further attendance, least the truth should more evidently appear, and declared that notwithstanding he would proceed upon that irregular Bill. (19) The easier to induce the Jurors to find the Bill, he threatened, in case they would not find it, he would prosecute Bayard and Hutchins on an information. (20) Having procured the said Bills, a motion being made to quash them, the Grand Inquest not having been summoned by a precept under the hands and seals of the Commissioners as by Law it ought, this he overruled, despairing of his ability to seduce the same or any other Grand Jury to find such Bills in the manner before set forth. However, knowing the mistake that had been committed, he ruled a new precept for summoning a petty jury, and the trial appointed then was postponed five days, when the same jurymen without any further summons appeared. (21) He corruptly, openly and unjustly declared for Law that an indictment for Treason by a Grand Jury (being as he termed it an Inquest of Office) might be found and was good by a less number than 12. (22) By his direction in the choice of a Jury for the trial of Bayard and Hutchins, 80 persons were returned by the then Sherrif, and the most of them prejudiced against Bayard and Hutchins, ignorant of the English Laws and Language, and the least sufficient for knowledge, probity and estates. (23) He openly in Court declared it a crime for the subjects in the Plantations to petition the House of Commons. (24) In his charge to the Jury on Col. Bayard's Trial, he strenuously and chiefly insisted that the petition of Bayard, French, Wenham and Van Dam to the then Lt.-Gov. and Council setting forth the Lord Cornbury's succeeding the late Earl of Bellomont was a positive disowning of the then Government and a plain overt act of Treason. (25) The surer to cover the iniquity of the prosecution, he positively forbad the taking in writing any notes of these trials. (26) Contrary to the late Act of Parliament, 7 and 8 Wm. III., he denied in Col. Bayard's trial to admit of evidence for the prisoner. (27) When several of the witnesses would not swear up to what Atwood would have screw'd them, they were upbraided for having sworn more fully before the Council, but they all positively denied his allegations, and affirmed that if more were concerted in the depositions before the Council than they then swore, it was unjustly imposed on them, and contrary to the truth of the matter. (28) During the Jury were out to consider of their

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verdict in the case of Col. Bayard, Atwood had a frequent private correspondence with them. (29) The better to vent his spleen against the Protestant Religion by Law established, and to eradicate the beginnings of a settlement thereof in this City, he raised false and injurious reports of Mr. Vesey, Minister of the English Congregation here, and by rude, scandalous reproaches and severe menaces forced him for fear of his life to leave the Province. (30) The more effectually to accomplish his design and trample on the liberty of the people, by menaces of fine and imprisonment he hath induced Jurymen to bring in their verdict according to his positive direction, where evidence was wanting to convince them of the matter of fact. (31) Having conceived an inveterate hatred against the principal English, French and Dutch Inhabitants, the better to effect their ruin and color his avarice and oppression, he hath falsely and unjustly misrepresented them as pirates, Jacobites and disaffected to H.M. Government, which in truth is a false, wicked, malicious calumny. (32) He has arbitrarily caused the subject to be spoiled of his livelihood and freehold, without any legal conviction or just cause found for such forfeiture. (33) The more effectually to perpetuate the power he had gained and to support the party he had made himself the head of, he advised and procured several Acts of Assembly to be passed after the arrival of Lord Cornbury *etc. as No. vi. supra. Delivered by Thomas Wenham and the rest of the Petitioners.* New York, Sept. 5, 1702. *Copy. Signed, per Dan. Honan. Endorsed, Recd. Nov. 30, 1702. 3½ pp.*

1206. xii. Copy of proceedings about the *Elizabeth and Catherine*, Jno. Wake, Commander. June 13, 1701. (cf. *Cal. A. and W.I. 1701.*) *In support of No. xi. supra, Article i.* New York, Oct. 2, 1702. *Signed and endorsed as preceding. 11 pp.*

1206. xiii. Copy of Minutes of the Court of Admiralty, New York, Aug. 9, 1701, in the case of the *Susanna* sloop. *To prove No. xi. supra, Article 4.* Mr. Evets sworn saith that when Mr. John La Roux brought Mr. Parmiter's permit to load of July 24, 1701, he asked him if he was registered. Le Roux told him no, but he had liberty to load till the Governor came down. Aug. 16. —The sloop was condemned etc. New York, Sept. 5, 1702. *Signed and endorsed as preceding. 2½ pp.*

1206. xiv. Copy of Deposition of Thomas Noell, Mayor of New York. Oct. 14 last Atwood declared to deponent that the old Mayor might swear the new Aldermen by virtue of a former clause in the Charter. Since being Mayor, deponent has searched the Records and can find no precedent therefor. *Signed, dated and endorsed as preceding. 1 p.*

1206. xv. Copy of Deposition of William Sharpas, Town Clerk of New York, in corroboration of preceding. *Signed. Will. Sharpas. Dated and endorsed as preceding. 2 pp.*

1206. xv.(a) Deposition of Barne Cosen, July 8, 1702. William Atwood, C.J., produced a paper in Council, Oct. 10, written by Richard Harris, his Clerk, containing the opinion of the Governor and Council on their consideration of certain reasons laid before the Council Board by David Jamison in writing, Oct. 6, in

1702.

pursuance of an Order of Council, Oct. 2, against passing a Bill for confirming the agreement between Thomas Swaertwout and Co. and Garret Aertsen, which paper was approved of by the Lt.-Gov. and Council, and deponent was ordered to enter it as a Minute of Council. *Signed*, B. Cosens. *Dated and endorsed as preceding.* 1 p.

1206. xvi. Copy of Deposition of Edward Antill, July 10. William Atwood was engaged as Council for Col. Jacob Rutsen, Ulster County, *v.* David Jamison, New York, and others, relating to a tract of land in Ulster County, which the latter had procured a patent for, and by his frequent solicitations and insinuations with Lt.-Gov. Nanfan and Council, as also with the Assembly, did procure an Act to divest Jamison etc. of their property, without hearing any legal defence they could make, which Jamison in presence of deponent prayed might be granted him. In Oct. or Nov. last, after the passing of that Act, a Master of a sloop from Esopus brought as a present to Atwood 2 barrels of strong beer, which were put into deponent's cellar, and sent by Rutsen. At the same time deponent was informed the said Master brought from Rutsen a bag of money of 50*l.* for Atwood. *Confirms No. xi., Articles 15, 18, 21, 24, 25, 27, 28. Dated, signed and endorsed as preceding.* 2 pp.

1206. xvii. Copy of Deposition of May Bickley, of New York, gent., July 22, 1702, *confirming No. xi., Articles 6, 7, 16, 17, 21, 23, 24, 25, 27, 28, 30, 32. Signed, May Bickley. Dated and endorsed as preceding.* 3 pp.

1206. xviii. Copy of Deposition of William Nicolls, June 30, 1702, *confirming No. xi., Articles 6, 15, 17, 18, 20, 23, 24, 25, 27, 29. Signed, Wm. Nicolls. Dated and endorsed as preceding.* 1 $\frac{3}{4}$  pp.

1206. xix. Minutes of the Court of Admiralty, New York, Dec. 26, 1701. Capt. Elias Hasket and William Pitman gave evidence that they saw some ambergrease on board the ketch *Catherine*. Jan. 10-14, 1702. Further evidence given that no ambergrease was found on board. Sentence and appeal. See *No. xi., Art. 7. Copy. Signed, per Dan. Honan. Dated and endorsed as preceding.* 3 $\frac{1}{2}$  pp.

1206. xx. Copy of Deposition of David Jamison, July 22, 1702, confirming *No. xi., Articles 9 (cf. No. xvi.), 26, 29, etc. Signed, David Jamison. Signed, dated and endorsed as preceding.* 3 pp.

1206. xxi. Copy of Mittimus of Col. Bayard, Jan. 21, 1701. To prove *No. xi., Article 10. Endorsed, Recd. Nov. 30, 1702.* 1 $\frac{3}{4}$  pp.

1206. xxii. Copy of Mittimus of Alderman Hutchins, Jan. 19, 1701. *Same endorsement.* 2 $\frac{1}{2}$  pp.

1206. xxiii. Copy of Deposition of Matthew Clarkson, Secretary of the Province of New York. *Confirms No. xi., Articles 15, 18, 23, 24, 25, 26, 27, 29, 33. Signed, M. Clarkson. Signed, dated and endorsed as No. xi.* 2 $\frac{3}{4}$  pp.

1206. xxiv. Copy of Deposition of Mr. Broughton, Attorney General of New York, July 24, 1702. To prove *No. xi. Article 16. Signed, Sa. Sh. Broughton. Signed, dated and endorsed as preceding.* 2 pp.

1206. xxv. Copy of Deposition of Johannes Cortlandt, one of the Grand Jury for the trial of Bayard and Hutchins. Mr. Weaver

1702.

Solicitor General, read the indictments and brought deposition and evidences to them to be examined, some whereof were soldiers to whom Weaver ordered several quantities of strong drink. He insisted on being present whilst they examined the witnesses, whereupon they were adjourned till the afternoon, when Mr. Atwood, C.J., discharged Capt. John Corbet, Caleb Cooper, Jacob Dekey and Deponent from the said Jury. *Signed*, Johannes Cortlandt (who died before he could swear to it). *Signed, dated and endorsed as preceding.* 1 p.

1206. xxvi. Copy of Deposition of Samuel Clowes, July 3, 1702, confirming No. xi. Article 18. *Signed*. S. Clowes. *Signed, dated and endorsed as preceding.* 1 p.

1206. xxvii. Copy of Deposition of Ebenezer Wilson, July 15, 1702, confirming No. xi. Articles 19, 21, 29. *Signed*, Ebenezer Wilson. *Signed, dated and endorsed as preceding.* 1 p.

1206. xxviii. Copy of Deposition of James Emott, July 15, 1702, confirming No. xi. Articles 21, 24, 25, 27, 29. *Signed*, Ja. Emott. *Signed, dated and endorsed as preceding.* 2 $\frac{3}{4}$  pp.

1206. xxix. Copy of Deposition of Samuel Clowes, July 3, 1702, confirming No. xi. Article 23. *Signed*, S. Clowes. *Signed, dated and endorsed as preceding.* 1 p.

1206. xxx. Copy of Deposition of William Richardson, July 16, 1702, confirming No. xi. Article 27. *Signed*, W. Richardson. *Signed, dated and endorsed as preceding.* 1 p.

1206. xxxi. Deposition of Hugh Gray, Sept. 7, 1702, confirming No. xi. Article 27 etc. *Signed*, Hugh Gray. *Endorsed*, Reed. Nov. 30, 1702. 2 $\frac{1}{2}$  pp.

1206. xxxii. Copy of Deposition of Laurence Van Hooek, High Constable of New York, confirming No. xi. Article 28. *Signed*, L. Van Hooek. *Signed, dated and endorsed as preceding.* 1 p.

1206. xxxiii. Copy of Deposition of Michael Christian, June 23, 1702, confirming No. xi. Articles 21, 24, 25, 27, 30. *Signed*, Mich. Christian. *Signed, dated and endorsed as preceding.* 2 pp.

1206. xxxiv. Copy of Deposition of John Ellison of New York, June 20, 1702, confirming No. xi. Articles 28, 30. *Signed*, John Ellison. *Signed, dated and endorsed as preceding.* 2 pp.

1206. xxxv. Copy of Deposition of Gabriel Ludlow, Clerk to the House of Representatives, July 22, 1702, confirming No. xi. Article 33. *Signed*, Gabl. Ludlow. *Signed, dated and endorsed as preceding.* 2 pp.

1206. xxxvi. Printed Copy of Proclamation by Lieut.-Governor Nanfan, March 10, 1701. *Signed*, John Nanfan. 1 p.

1206. xxxvii. Copy of Reasons offered by David Jamison to the Lieut.-Governor and Council against the passing of the Bill for confirming an agreement between Swartwout and Co. and Aertsen and Co. Oct. 6, 1701. *Signed, dated and endorsed as preceding.* 11 pp.

1206. xxxviii. Copy of Articles exhibited by the principal Merchants and Inhabitants of New York against Tho. Weaver, Collector. (i.) Contrary to an express Order of Council, made in the Earl of Bellomont's time, he hath unjustly taken upon him to pay

1702.

warrants without respects to the priority of the dates or the said Order, to the great injury of the creditors and utter ruin of the credit of the Government. (ii.) Whereas the Government hath provided an exception in the said Order, for salaries which are to be paid quarterly, without respect to their dates, he hath taken upon him to refuse payment of such salaries during his pleasure, that he might have occasion to pervert the public money to his own private designs. (iii.) He has imposed upon the creditors of the Government, forcing them to considerable abatements or to remain wholly without their money. (iv.) The *Elizabeth and Catherine* being condemned in the Court of Admiralty and exposed to sale to the highest bidder for upwards of 700*l.*, Weaver did extort from the purchasers 30*l.* in money and goods to the value of 25*l.* to his wife in consideration of his receiving 400*l.* in warrants of the Government. (v.) He corruptly combined with an indigent Jew fraudulently to procure such goods (unknown to the Master and Owners) to be put on board a merchant vessel of this place, as thereby to make her liable to condemnation. (vi.-vii.) He committed to gaol Alderman Hutchins and Col. Bayard etc. (viii.-xii.) He confederated with William Atwood etc. to prosecute Bayard and Hutchins for High Treason, and procured himself to be appointed Solicitor General for that purpose etc. (xiii.) Having embarkt himself with other Confederates in an unreasonable aversion against the principal English, French and Dutch Inhabitants of this Colony, and contriving their ruin and extirpation, he spread many false and scandalous reports misrepresenting and traducing them, as pirates, Jacobites, and disaffected to H.M., by that wicked, false and malicious calumny to bring them into disgrace with their Prince and prevent their gaining of credit and relief against the injustice and oppressions of Weaver and his confederates. (xiv.) The better to vent his spleen against the Protestant Religion by Law established and to eradicate the beginnings of a settlement thereof in this City, he invented false and injurious reports of Mr. Vesey, Minister of the English Congregation here, and by rude, scandalous reproches and violent menaces he forced him for fear of his life to leave the Province, in wh. it was plain, by the methods taken in the prosecution of Bayard and Hutchins, no true Englishman or lover of the English Nation and Laws could live in safety. (xv.) The firmer to establish the party he had espoused, and to ward himself from the just complaints of the English and other H.M. faithful and loyal subjects he had scandalized, injured, and as much as in him lay oppress'd and insulted, he combin'd with Atwood etc. to cause diverse Acts to be lately made, several after notice of your Excellency's arrival, to exclude the English people of this Province from their rightful liberties of electing their Representatives, to confiscate their estates without the accusation of any crime, appropriate the public money, place the balance of power in the least number of the people etc. *Signed, dated and endorsed as preceding. 2½ pp.*

1206. xxxix. Copy of Deposition of Derrick Vandenburg, of New York, bricklayer, June 23, 1702, confirming No. xxxviii.,

1702.

Article iii. *Signed*, D. V. Burgh. *Signed, dated and endorsed as preceding.*  $1\frac{3}{4}$  pp.

1206. xl. Copy of Deposition of Tho. Davinport, New York, Mercht., June 23, 1702, confirming No. xxxviii., Article 13. *Signed*, Tho. Davinport. *Signed, dated and endorsed.* 1 p.

1206. xli. Copy of Deposition of William Sell, New York, July 15, 1702. To confirm No. xxxviii., Article iv. On Feb. 27, Weaver ordered Deponent, being a Waiter belonging to H.M. Customs, to go on board and seize the barquentine *Phillip*, Tho. Gleave, Master, then arrived from Curacao. Next day Weaver and the Searcher went on board and finding no prohibited goods, the seizure was taken off. *Signed*, W. Sell. *Signed, dated and endorsed as preceding.* 1 p.

1206. xlvi. Copy of Deposition of Elias Neau, New York, Bolter, July 15, 1702, confirming No. xxxviii., Article 5. In Oct. last he sold two tons of flour to one Isaac Nahar, a poor Jew. Mr. Weaver paying him 30*l.* New York money in cash and giving his bill for the remaining 30*l.* in 15 days, on that account. *Signed*, Elias Neau. *Signed, dated and endorsed as preceding.*  $1\frac{3}{4}$  pp.

1206. xlvi. Copy of Deposition of Rip Van Dam and Robt. Lurting, New York, Merchants, July 22, 1702, confirming No. xxxviii., Article 4. *Signed*, Rip Van Dam, Robt. Lurting. *Signed, dated and endorsed as preceding.*  $1\frac{3}{4}$  pp.

1206. xlvi. Copy of Minutes of Council of New York, May 3, 1699,—Aug. 15, 1699, and of accounts relating to the ship *Fortune*. *Signed, dated and endorsed as preceding.* 6 pp.

1206. xlvi. Ordinance of Governor Lord Cornbury, suspending the proceedings of the High Court of Chancery of New York, "forasmuch as grievous clamors and complaints have been made by the people of this province against the unlimitted and unreasonable proceedings exercised in said Court, destructive to the Common Rights of the subject, the exorbitancy of the fees, of late taken in the said Court" etc. June 13, 1702. *Printed by William Bradford, New York.* 1 p.

1206. xlvi. Proclamation of Governor Lord Cornbury. "No Warrant of this Government whatsoever shall be allowed a sufficient voucher upon the account of Thomas Weaver, unless he personally appear and make it sufficiently evident to me and H.M. Council, that he hath paid the same, according to the purport thereof." *Chear Hall, Orange County, Sept. 8, 1702.* *Printed as preceding.* 1 p.

1206. xlvii. Proclamation of Governor Lord Cornbury, "Whereas sundry persons within the City of New York have made a common practice of heaping together great quantities of dead oysters as well as oyster shells, within the said City and of burning the same there into lime the nautious and unwholesome smoke and smell whereof hath been thought a very great means and occasion of increasing the malignant distemper with which the inhabitants have been and still are grievously afflicted," forbidding the same to be done within one mile of the City Hall under penalty of 5*l.* New York money. *Kingsbridge, Sept. 17, 1702.* *Printed as preceding.* 1 p.

1702.

1206. xlviii. Proclamation by Edward Lord Cornbury. Whereas it hath pleased Almighty God for our sins, immoralities and prophaneness to visit the City and Province of New York with great sickness and mortality, of a very dangerous and infectious nature, notwithstanding which divers of the inhabitants have kept their dead above ground several days, which in all probability hath been a great occasion of spreading the malignity of the said distemper almost over the whole Province, whereby the greater number of the inhabitants of the said City dye daily, any Person who shall keep any humane corps uninterred longer than 12 hours after decease, shall pay 5*l.*, New York money, for the use of the poor of the city. Kingsbridge, Sept. 17, 1702. *Printed as preceding.* 1 *p.*

1206. xlix. Proclamation of Governor Lord Cornbury. Summoning the Assembly appointed to meet in New York, Oct. 14, to meet at the Town of Jamaica in Queen's County, Island of Nassau, by reason of the great sickness and mortality at New York, Kingsbridge, Sept. 17, 1702. *Printed as preceding.* 1 *p.*

1206. i. Proclamation of Governor Lord Cornbury. Adjourning the Supreme Court of Judicature, appointed to be held at New York, the first Tuesday in Oct., to Jamaica *as preceding.* Kingsbridge, Sept. 17, 1702. *Printed as preceding.* 1 *p.*

1206. ii. Proclamation of Governor Lord Cornbury. Appointing Wednesday in every week after the date hereof a solemn Day of Fasting and Prayer, till further Order, for the imploring Almighty God to pardon the sins of the people, and to withdraw his judgments from this Province. Kingsbridge, Sept. 17, 1702. *Printed as preceding.* 1 *p.*

1206. iii. Memorandum of Minutes of Council of New York, Jan.—March, 170 $\frac{1}{2}$ .  $\frac{1}{4}$  *p.*

1206. liii. Memorandum of Minutes of Council of New York. April, May, 1702.  $\frac{1}{4}$  *p.* [C.O. 5, 1047. Nos. 84, 85, 85*i.*, 86, 86*i.*, 87, 88—135.]

[Nov. 30.] **1207.** William Penn's Answer to the Four Queries sent him in May and June. (i.) (ii.) The people chiefly engaged with me, and that settled the Province, were those called Quakers, and the Constitutions and Laws were framed and made accordingly, and solemn attestation was generally the way of pledging fidelity to the Crown and obedience to me under it, as also of giving of evidence, yet even as early as in 83, when an oath was desired of such as could swear, an oath was given, and so it stood till Governor Fletcher's time, and I remember no alteration since, but that those that were called Quakers were solemnly attested according to the Law and custom of the Province, and those that were of the Church of England, or other professions, that could take an oath, were sworn as required, whether in evidence or entering in office. (iii.) Heavy pieces of eight go for 7*s.* 8*d.*, and light ones in proportion, dollars at 8*s.* 6*d.*, the motive doubtless to bring into or keep money in the country. But I frequently discountenanced it, as much as I could, and expected directions from hence for a standard for that and the rest of the Colonies,

upon the Continent at least, according to my letters to you upon that subject and did no otherwise confirm it than I did all the Laws promiscuously in the hurry of my coming away, referring to the King's Negative, in order to the regulation as aforesaid. (iv.) My title to the Lower Countries is by deeds of feoffment from the Duke of York, and his letter of Attorney to his President and Surveyor General and Clerk to give me possession of the peace, and submission, which they readily did by Turf and Twig and Water, as also by a ready acknowledgment of me as Governor in open Court of Sessions, and which, as covenanted to do in the said deeds, he intended a confirmation and further grant by Letters Patent, when King, as appears by Sir William Williamses draught, by his Order in 88; but obstructed by the disorder the Court was in a little before the Revolution, and which I humbly hope, for the reasons therein exprest, will not be refused to be perfected by our gracious Queen: in which I would take leave to hope I shall not want your mediation. *Signed*, Wm. Penn. *Endorsed*, Reed. Nov. 30, Read Dec. 1, 1702. 1 p. [C.O. 5, 1262. No. 6; and 5, 1290. pp. 258-260.]

Dec. 1. **1208.** [? *William Popple*] to William Penn. The Council of Trade and Plantations do not think your Answer [Nov. 30] altogether satisfactory, yet in order to the dispatch of your affair they are willing at present to acquiesce with it. They mind you that by H.M. Order, Nov. 11, you are further required to declare under your hand that H.M. allowance of Col. Hamilton to be your Dep.-Gov. shall not be construed to diminish H.M. title to the Three Lower Counties, the performance whereof they expect, and will then forthwith order a letter to be writ for the taking of security of Col. Hamilton, as has been lately done in other the like cases. [C.O. 5, 1290. p. 261.]



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